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TO AMEND THE DISASTER RELIEF ACT

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HEARING

BEFORE THE

SUBCOMMITTEE ON WATER RESOURCES

OF THE

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

ON

H.R. 6863

TO AMEND THE DISASTER RELIEF ACT OF 1974 TO PROVIDE FOR AUTHORIZATION OF APPROPRIATIONS THEREUNDER THROUGH FISCAL YEAR 1983

MARCH 26, 1980

Printed for the use of the
Committee on Public Works and Transportation

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TO AMEND THE DISASTER RELIEF ACT

WEDNESDAY, MARCH 26, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WATER RESOURCES,
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, D.C.

The subcommittee met at 1:10 p.m., in room 334, Cannon House Office Building, Hon. Ray Roberts (chairman of the subcommittee) presiding.

Mr. ROBERTS. The subcommittee will come to order. Mr. Clausen is on his way, and he authorizes us to go ahead.

This afternoon, the Subcommittee on Water Resources meets to receive testimony on H.R. 6863, a bill to extend the authorization for appropriations to carry out the Disaster Relief Act of 1974 through fiscal year 1983.

The Disaster Relief Act of 1974 provides for a broad range of Federal assistance in the event of a disaster. This assistance includes temporary housing, repairs to residences, unemployment assistance, individual and family grants, counselling, clearance of debris, repair and replacement of public buildings such as roads, bridges, public facilities, and other buildings.

The authorization for the Disaster Relief Act expires at the end of the year 1980, and new authorization is necessary to continue the program. The legislation under consideration would extend the authorization of whatever sums are necessary for the programs through 1983.

[The bill follows:]

96TH CONGRESS
2D SESSION

H. R. 6863

To amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1983.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1980

Mr. JOHNSON of California (for himself, Mr. ROBERTS, and Mr. CLAUSEN) introduced the following bill; which was referred to the Committee on Public Works and Transportation

---

A BILL

To amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1983.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 606 of the Disaster Relief Act of 1974 (Public Law 93-288) is amended by striking out "September 30, 1980" and inserting in lieu thereof "September 30, 1983".

Mr. ROBERTS. We are particularly pleased to have our longtime-friend, John W. Macy, Jr., the Director of the Federal Emergency Management Agency with us today.

John, if you and your staff would come forward to the witness table.

We have asked Mr. Macy to discuss the Federal disaster relief program generally and to bring us up to date on the activities.

He has with him also a longtime friend, Bill Wilcox, who is his assistant in the new FEMA organization. Gentlemen, the full text of your prepared statements will appear in the record at this point.

[Statements referred to follow:]

STATEMENT OF JOHN W. MACY, JR., DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. Chairman: It is a privilege to appear before the committee this afternoon to testify in support of the President's request for continued authorization and funding for fiscal year 1981 for programs and functions authorized in the Disaster Relief Act of 1974, Public Law 93-288. This committee has before it H.R. 6863 to extend the authorization of this law for three additional years through September 30, 1983. I urge the committee's favorable consideration of this legislation.

Accompanying me today is Mr. William Wilcox, the Associate Director of FEMA for Disaster Response and Recovery. Mr. Wilcox was nominated to this position by the President last fall and received very strong endorsement by the Senate in his confirmation. He served as Administrator of the Federal Disaster Assistant Administration for almost two years prior to the transfer of Public Law 93-288 functions from the Department of Housing and Urban Development to FEMA last July 15 and was acting director of our Office of Disaster Response and Recovery pending his Senate confirmation and swearing in.

My remarks this afternoon will summarize the important reorganization steps FEMA has taken since this committee's last hearings on the Disaster Relief Program, and review briefly our overall objectives in carrying out the programs authorized in this important legislative mandate. I will then ask Mr. Wilcox to address in more detail FEMA's 1981 programs as outlined by the President's budget.

When President Carter submitted the FEMA Reorganization Plan to Congress in June 1978, he set out very specific goals to be met by the new agency. Briefly, these include:

Improve executive leadership and attention for emergency planning, mitigation and response functions at all levels of government;

Efficient use of all emergency resources for national civil defense and disaster readiness, avoidance and recovery;

Effective coordination and oversight of all Federal agencies with emergency planning, mitigation and response authorities; and

Improve efforts in hazard mitigation and avoidance through effective linkages with emergency planning and relief programs.

We are pleased that these objectives were strongly endorsed by the Congress in its acceptance of the President's plan in September 1978. For the past 18 months all reorganization steps have been designed to meet these goals.

On April 1, 1979, the Plan was implemented by Executive Order 12127 which established FEMA as a separate agency reporting directly to the President. At that time, the programs and authorities of the U.S. Fire Administration and the Federal Insurance Administration were transferred to FEMA, along with responsibility for oversight of the Emergency Broadcast System.

In mid-July 1979, the President, by Executive Order 12148 transferred a series of additional functions to FEMA including the civil defense and national emergency preparedness programs, the disaster response and recovery program, implemented under Public Law 93-288, the oversight and coordination of earthquake hazard reduction and dam safety programs, the coordination of disaster warning systems and the responsibility to assist communities in developing plans for severe weather emergencies.

Once all functions were consolidated, we initiated several important steps to streamline and simplify our functions and make our programs more responsive to national leadership and the public. We have made good progress in these initiatives.

A first priority has been to bring about as much physical consolidation of resources and programs as possible, consistent with the particular statutory and administrative mandates imposed by the Congress and the President. This step will

integrate functional disciplines for a truly comprehensive approach to emergency management and ensure that we make the best possible use of our resources. In addition, we are fulfilling our mandate to ensure coordination of emergency planning, mitigation and response functions throughout Federal, State, and local governments. These initiatives will simplify the programs by which we provide technical and financial assistance to state and local government and make them more consistent with the organizational systems of those jurisdictions.

On such step of particular importance to this committee is my decision to assign responsibilities under title II, section 201 of the Disaster Relief Act to FEMA's Associate Director for Plans and Preparedness. Section 201 of the act provides for technical assistance to States for the development of plans and programs for preparation against disasters, including hazard reduction, avoidance, and mitigation. Originally, grants of $250,000 were made to each State, followed now by $25,000 per annum. By this action, we have consolidated all FEMA's authorities for emergency readiness at the Federal, State and local level under one official, with the goal of maximizing the effectiveness of Federal emergency programs and assistance and simplifying and streamlining our efforts to support State and local initiatives for comprehensive emergency management.

To support this restructuring, we have also taken steps to assure that our emergency plans and preparedness programs are particularly sensitive to the issues which confront us when a disaster strikes. My experience has been that too often planning programs do not reflect the experience gained from real life exposure in actual disaster situations. An important step in achieving this objective is the conduct of emergency tests and exercises, which I am strongly encouraging at all levels of government. I have instructed the Associate Directors of Plans and Preparedness and Disaster Response and Recovery to coordinate planning efforts in order to assure realistic plans for real world situations.

In addition, FEMA is continuing a series of disaster critiques to assist in both the planning and response activities. We are working closely with other Federal agencies with emergency response responsibilities and capabilities. This coordinating function is performed to gain a higher degree of interagency collaboration in the improvement of disaster planning and response and to seek opportunities for community development in the aftermath of a disaster.

As further evidence of our consolidation, we have brought together our national program and administrative staff elements into several centralized locations in Washington and have consolidated regional staffs from over 30 separate locations into 16. Our plans call for regional headquarters offices in or near the ten Standard Federal regional cities, with continued use of the underground Federal regional centers involved with our civil defense and national crisis readiness programs.

Now let me turn from this brief overview of our broad mandate for emergency management to a more specific discussion of FEMA's programs for disaster response and recovery—programs in which this Subcommittee has long had a vital interest.

Over the past year, disaster activity has been heavy. Hurricanes David and Frederic inflicted severe damage on the Virgin Islands, Puerto Rico and the Gulf Coast. Floods and mudslides caused by heavy rains have taken their toll in California and Arizona. Since April of 1979 when FEMA first came into being, there have been 45 Presidentially-declared major disasters and emergencies. Total estimated requirements for these declarations exceeds $713 million. Since the law was enacted in 1974, over $2.1 billion has been expended or obligated as the result of disasters.

It is interesting to note, especially in this budget-conscious year, that of the 45 declarations, fewer than a dozen account for 85 percent of the disaster relief funding requirements. Only three declarations comprise 66 percent of these requirements. This is ardent testimony to the supplemental nature of the Disaster Relief Act and, additionally, validates the role of the individual State in this effort. Clearly, Federal disaster assistance is going where it is most needed. This is partly due to the fact that only needed assistance programs are activated in some cases, and partly because not every request for assistance results in a declaration. Because of the supplemental nature of this program, of the 70 requests received since April of 1979, only 42 resulted in major disaster declaration, three resulted in emergency declarations, and seven were granted for Fire Suppression assistance.

But there are ways to cut costs. One way to create savings is through improved efficiency. On this point, I am very proud of the efforts being pursued by FEMA. Over the past year, in addition to responding to disasters, we have undertaken some major program initiatives which will result in cost savings as well as better service.

Among these innovations are:

The Combined Application and Verification Process which has begun to simplify the maze of Federal forms previously necessary for an individual to apply for and receive disaster assistance.

Increased emphasis on the State role, particularly in temporary housing. Bill Wilcox likes to say, "The States do it better."

We are now moving toward a possible integration of temporary housing to more permanent domiciles, thereby bringing about more rapid recovery as well as the expenditure of fewer Federal dollars in the long run.

Increased use of Floodplain Management and Hazard Mitigation authorities (Section 406) through close coordination of different elements of FEMA, which will lessen Federal recovery expenditures in the years to come.

A major thrust of FEMA is to assure that after a disaster the future vulnerability of the area is significantly reduced.

The Federal Insurance Administration and Disaster Response and Recovery are working closely together with disaster-stricken communities, encouraging them to use this opportunity to correct previous land use mistakes.

These are but a few. Mr. Wilcox will give you more detailed information on the disaster relief program.

STATEMENT OF WILLIAM H. WILCOX, ASSOCIATE DIRECTOR, DISASTER RESPONSE AND RECOVERY, FEDERAL EMERGENCY MANAGEMENT AGENCY

Mr. Chairman, Members of the Subcommittee: The President's Disaster Relief Program is designed to supplement the efforts and available resources of State and local governments, and voluntary relief organizations. The President's declaration of a "major disaster" or an "emergency" authorizes Federal assistance under the Disaster Relief Act of 1974, as amended, and triggers other Federal disaster relief programs. The Federal response is coordinated by the Office of Disaster Response and Recovery of the Federal Emergency Management Agency. This Federal coordination role at the scene of a Presidentially-declared disaster or emergency is carried out by a Federal Coordinating Officer.

When a disaster threatens or occurs, local authorities take immediate steps to warn and evacuate citizens, alleviate suffering, and protect life and property. If additional help is needed, the Governor may direct execution of the State's emergency plan, use State Police or National Guardsmen, or commit other State resources as the situation demands. Federal establishments, particularly military installations which are located in or near the disaster area, may provide immediate lifesaving assistance, and other Federal agencies may be able to provide assistance under their own statutory authorities. However, if the situation is beyond the capabilities of local and State forces, supplemented by limited assistance of Federal forces on the scene, the Governor may request that the President declare a "major disaster" or an "emergency."

A "major disaster" is defined in the Disaster Relief Act of 1974, Public Law 93-288, as any "hurricane, tornado, storm, flood, highwater, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance above and beyond emergency services by the Federal Government to supplement the efforts and available resources of States, local governments, and private relief organizations in alleviating the damage, loss, hardship or suffering caused by a disaster."

An "emergency" is defined as any of the various types of natural disasters included in the definition of a "major disaster" which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of disaster.

A Presidential declaration of a "major disaster" may make a broad range of assistance available to individuals and State and local governments. This help may include:

For individuals: Temporary housing for displaced disaster victims. No rental is charged during the first 12 months of occupancy;

Limited home repairs to owner-occupied residences in lieu of other types of temporary housing resources, so that families can return quickly to their damaged homes;

Temporary assistance with mortgage or rental payments for persons faced with loss of their residences because of disaster-caused financial hardship;

Disaster unemployment assistance and job placement assistance for those unemployed as a result of a major disaster;

Individual and family grants of up to $5,000 to meet disaster-related necessary expenses or serious needs of those adversely affected by a major disaster when they are unable to meet such expenses or needs through other sources;

Legal services to low-income families and individuals; and

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Crisis counseling and referrals to appropriate mental health agencies to relive disaster-caused mental health problems.

Then there is aid for States and local governments or, as we call it, public assistance. This involves direct or financial assistance for:

Clearance of debris on public or private lands or waters;

Emergency protective measures for the preservation of life and property;

Repair or replacement of roads and bridges;

Repair or replacement of water control facilities (dikes levees, irrigation works, and drainage facilities);

Repair or replacement of public buildings and related equipment;

Repair or replacement of public utilities;

Repair or restoration to pre-disaster condition of public facilities damaged while under construction;

Repair or restoration of recreation facilities and parks; and

Repair or replacement of private, nonprofit educational, utility, emergency, medical, and custodial care facilities.

A "major disaster" declaration also makes other aid available under various Federal authorities and programs, for example, the disaster loan programs of the Small Business Administration and the Farmers Home Administration.

Federal assistance in a Presidentially-declared "emergency" is significantly different. An emergency declaration authorizes Federal help to meet a specific need and is generally limited to those actions which may be required to save lives and protect property, public health and safety, or to lessen the threat of a more severe disaster.

Another type of assistance is fire suppression assistance. This aid does not require a Presidential declaration. The Disaster Relief Act of 1974 authorizes Federal assistance—including grants, equipment, supplies and personnel—to a State for the suppression of forest or grassland fires, on public or private lands, that threaten to become a major disaster. I have the delegated authority to approve such assistance. The Governor requests Federal help through the FEMA Regional Director and must support his request with detailed information on the nature of the threat and the need for Federal assistance.

I have discussed in some detail the Federal aid available in an emergency or disaster situation. The Act, however, also authorizes Disaster Preparedness Assistance. Section 201 of the Act covers Federal and State Disaster Preparedness Programs. Under this authority, Federal grants of up to $250,000 have been made available to States for the development of plans, programs and capabilities for disaster preparedness and prevention. The Act provides further for cost sharing assistance up to $250,000 per year a State improve, maintain and update State disaster assistance plans.

This has been a brief summary of the disaster program authorities, as well as a listing of the types of Federal assistance available under the Act. A few statistics will help to show the extent as well as the monetary aspects of the program; then I will tell you of some of our new thrusts to cut costs and expedite delivery of assistance.

The Disaster Relief Act of 1974 has been in effect since April 1, 1974. In that time, there have been 324 requests for major disaster assistance and 196 major disaster declarations. Additionally, 13 requests for "major disaster" assistance resulted in "emergency" declarations.

There have been 104 gubernatorial requests for "emergency" declarations of which 66 were approved, and 42 requests for fire suppression assistance of which 24 were approved.

I believe that these numbers make a point—that this is not a "give-away" program. Some 176 requests for Federal disaster relief under the Act were denied. In other cases, limitations were placed on the kinds of assistance available. This is a program of supplemental assistance; the basic responsibility for disaster relief is at the local and State level.

Yet, it costs money, and the price is going up. In fiscal year 1979, there were 42 major disasters, 11 emergencies and 7 fire suppression grants. Federal costs are expected to exceed $584 million for clean-up, relief and recovery work authorized under PL 93-288. From April 1, 1974 to date, Federal assistance under this program has cost some $2.1 billion.

And people are served. In fiscal year 1979, more than 212,000 disaster affected citizens registered at our Disaster Assistance Centers; 41,558 families were housed, and 66,207 grants were approved under the Individual and Family Grant Program.

Now let me move to a discussion of our new thrusts, which are designed for more efficient and effective service for disaster stricken communities and individuals.

Clearly, disaster response must continue to be one of FEMA's highest priorities. Through close coordination with other elements of FEMA, the experience produced by disaster activity is being recognized in planning, mitigation and research. Disaster experience is also being brought to bear on other forms of civil emergencies.

FEMA, through its broad mandate, is charged with the responsibility for coordinating all civil emergency planning, management, mitigation and response functions of the Executive Agencies. In short, FEMA has a response role which goes beyond those situations traditionally associated only with natural disasters to include those created by man.

FEMA is dedicated, however, to the policy that all its civil emergency functions, resources, and systems be based on the use of existing organizations, including Federal, State and local governments, the private sector and volunteer agencies.

Let me outline some of the response activities necessitated by our expanded role.

During the past year, FEMA was called upon the White House to help respond to the nuclear reactor incident at Three Mile Island near Harrisburg, Pennsylvania. Our experience with this incident confirmed that a single emergency response agency is necessary to coordinate the host of Federal, State and local efforts.

More recently, FEMA has become involved in coordinating the management of the Federal response to such incidents as chemical contamination of the Love Canal in New York, and asbestos residues in Globe, Arizona. FEMA also played a critical role in coordinating Federal efforts concerning the disposal of 500,000 curies of tritium which was confiscated by Governor Babbitt of Arizona. Currently the tritium is stored in a DOD facility, and as a result of FEMA coordination with DOE, plans are now being formulated for the recovery of the tritium either in the State of Arizona or at a DOE facility. Also, we have worked closely with other Federal agencies and private associations to find a solution to the related problems caused by lack of storage and disposal sites for low-level radioactive wastes. Our initiative has resulted in positive actions being undertaken by several State and local governments. Currently underway is a study to develop a comprehensive plan to deal with emergencies resulting from the improper disposal, storage, or accidental release of hazardous materials. Our role is these planning and response activities fits squarely with the coordinating charter given to the Federal Emergency Management Agency by Congress and the President.

Now let me turn to innovations in our Disaster Relief Program. Over the past year, FEMA has made several program improvements—initiatives aimed at serving the victims of major disasters and emergencies more effectively, while also producing substantial cost savings. One outstanding example is our progess on the Combined Application and Verification Process.

The Combined Application and Verification Process provides a single application form for individual disaster victims, who in the past could be subjected to as many as 44 different Federal forms before they could obtain the assistance Congress intended them to have. Under this process the three most heavily used Individual Assistance programs—Individual and Family Grants, Small Business Administration home and personal loans, and the Temporary Housing Program—have been condensed into one application.

The process also provides for a single Federal official to act as liaison between the victim and the Federal Government, thereby climinating as many as 12–15 people from different agencies, each sent to verify information or inspect damage for their respective programs. The process has now been field tested successfully three times. A fourth field test will be coming up shortly—which the aim of insitutionalizing the process early in fiscal year 1981. In the ensuing years, more Federal disaster assistance programs will be incorporated into the process.

Other innovations include:

Further encouragement of States to assume the administration of the Temporary Housing Program. Since the beginning of fiscal year 1979, out of 43 temporary housing missions, 23 were managed by the affected State. FEMA is developing a Federal/State Agreement for cooperative assistance plus technical materials to be used by the States in carrying out disaster temporary housing programs. This initiative has generally met with success;

Establishing uniform disaster critique policy and standards to evaluate and improve delivery of services to the disaster victim;

Completion of an Automated Public Assistance system which facilitates project management;

Review of our Disaster Assistance Center Operations (DAC), in conjunction with the Combined Application and Verification Process, to improve delivery of services to disaster victims;

Faster action in replying to requests by Governors for declarations;

Our Operations Center, located in Washington, D.C., now operates on a round-the-clock basis. A newly installed Call Diverter System provides instantaneous channeling of emergency calls from anywhere in the Nation. The Center has the necessary communications equipment for rapid contact with military, Federal, State and local governments and other points throughout the Nation;

Increased emphasis on Hazard Mitigation (Section 406) and Floodplain Management (EO 11988)—which will pay dividends in lower Federal disaster recovery costs in the years to come. The FEMA policy is one of providing leadership through technical assistance to State and local governments to help them develop and maintain effective mitigation standards. As always, it is not our intention to mandate standards from the Federal level, but to encourage State and local governments to adopt standards that are applicable to facilities within their jurisdictions. I believe we have evidence of tangible results from this program in several States including Minnesota, Wisconsin, and Arizona;

The role of housing in disaster recovery. Movement has begun within FEMA, and in conjunction with other Federal agencies, voluntary organizations and other existing resources, to begin integrating temporary housing to more permanent housing in the aftermath of a disaster. Pre-disaster planning, along with technical assistance from various sources, is in the developmental stages;

Mobile homes used in our temporary housing program have been brought up to Fire Safety Standards, including smoke detectors, rapid egress windows in the bedrooms, and fireproofing. This project is now virtually complete and will cost approximately $5.75 million; and

Our fuel subsidy program is designed to defray utility expenses incurred by disaster victims for the use of propane gas, natural gas or electricity to hear mobile homes. During this 1978–79 winter season, 926 applicants participated, a total of $69,267 was disbursed.

FEMA is also taking steps to improve our procedures for coordinating the delivery of disaster assistance after a Presidential declaration. The Federal Coordinating Officer—whom I have been delegated the authority to appoint on behalf of the Director, is the person responsible for providing this coordination. Now that the disaster response functions are part of the larger FEMA organization, we have taken steps to increase the number of FEMA managers available to serve in this important role as Federal Coordinating Officers. For example, we have scheduled for early April an orientation seminar for 35 potential FCO's and deputy FCO's. Each of the recently-appointed Regional Directors will attend this seminar along with selected senior members from their staffs. Many of these staff members are from FEMA elements other than Disaster Response and Recovery. This orientation, together with other cross-training of staff, will broaden FEMA's management base, thus unifying and utilizing the full range of skills and experience in emergency management.

Over the past year, we have done a great deal to streamline our disaster response and disaster management techniques. Although designed primarily to bring assistance more swiftly and effectively, these innovations have had the additional benefit of cutting costs to the taxpayers. More innovations and greater efficiency will come in the years ahead.

Clearly, the need is great for Federal response to a disaster. I believe that FEMA is effectively and efficiently handling this need.

Mr. Macy and I join in recommending that this committee endorse the necessity of this important disaster relief effort by passing this authorization.

Gentlemen, this concludes my prepared statement. I'll be glad to expand on my remarks and answer your questions.

Mr. ROBERTS. Please proceed.

TESTIMONY OF HON. JOHN W. MACY, JR., DIRECTOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, AND WILLIAM WILCOX, ASSOCIATE DIRECTOR, DISASTER RESPONSE AND RECOVERY, FEMA

Mr. MACY. Thank you very much, Mr. Chairman and members of the committee. I consider it a privilege to appear before you today and to support the President's request for continued authorization and funding for the programs and functions authorized in the Disaster Relief Act of 1974, Public Law 93–288.

This committee has before it, as you indicated, Mr. Chairman, H.R. 6863, to extend the authorization of this law for three additional years through September 30, 1983. I urge the committee's favorable consideration of this legislation.

As you indicated in your introduction, I am accompanied today by Mr. William Wilcox, the Associate Director of FEMA for Disaster Response and Recovery. Mr. Wilcox is well-known to you. He was nominated to this position by the President last fall and received very strong endorsement by the Senate in his confirmation. He served previously as Administrator of the Federal Disaster Assistance Administration for almost 2 years prior to the transfer of Public Law 93-288 functions from the Department of Housing and Urban Development to FEMA last July 15, and he was the Acting Director of our Office of Disaster Response and Recovery pending his Senate confirmation and swearing in.

My remarks this afternoon, Mr. Chairman, will summarize the important reorganization steps FEMA has taken since this committee's last hearings on the disaster relief program, and review briefly our overall objectives in carrying out the programs authorized in this important legislative mandate.

I will then ask Mr. Wilcox to address in more detail FEMA's 1981 programs as outlined by the President's budget.

When President Carter submitted the FEMA Reorganization Plan to Congress in June 1978, he set out very specific goals to be met by the new agency. Briefly, these include: first, to improve executive leadership and attention for emergency planning, mitigation, and response functions at all levels of government; second, to assure the efficient use of all emergency resources for national civil defense and disaster readiness, avoidance and recovery; third, to assure effective coordination and oversight of all Federal agencies with emergency planning, mitigation, and response authorities; and fourth, to improve efforts in hazard mitigation and avoidance through effective linkages with emergency planning and relief programs.

We are pleased that these objectives were strongly endorsed by the Congress in its acceptance of the President's plan in September 1978, and for the last 18 months, all reorganization steps have been designed to meet these goals.

On April 1, 1979, almost a year ago, the plan was implemented by Executive Order 12127, which established FEMA as a separate agency reporting directly to the President. At that time, the programs and authorities of the U.S. Fire Administration and the Federal Insurance Administration were transferred to FEMA, along with responsibility for oversight of the Emergency Broadcast System.

In mid-July 1979, the President, by Executive Order 12148, transferred a series of additional functions to FEMA, including the civil defense and national emergency preparedness programs, the disaster response and recovery program, implemented under Public Law 93-288, the oversight and coordination of earthquake hazard reduction and dam safety programs, the coordination of disaster warning systems, and the responsibility to assist communities in developing plans for severe weather emergencies.

Once all functions were consolidated, we initiated several important steps to streamline and simplify our functions and make our programs more responsive to national leadership and to the public.

We have made good progress in these initiatives. A first priority has been to bring about as much physical consolidation of resources and programs as possible, consistent with the particular statutory and administrative mandates imposed by Congress and the President.

This step will integrate functional disciplines for a truly comprehensive approach to emergency management and insure that we make the best possible use of our resources. In addition, we are fulfilling our mandate to insure coordination of emergency planning, mitigation, and response functions throughout the Federal, State, and local governments.

These initiatives will simplify the programs by which we provide technical and financial assistance to State and local government and make them more consistent with the organizational systems of those jurisdictions.

One such step of particular importance to this committee is my decision to assign responsibilities under title II, section 201 of the Disaster Relief Act to FEMA's Associate Director for Plans and Preparedness, Mr. Frank Camm, section 201 of the act provides for technical assistance to states for the development of plans and programs for preparation against disasters, including hazard reduction, avoidance, and mitigation.

Originally, grants of $250,000 were made to each State, followed now by $25,000 per annum. By this action, we have consolidated all FEMA's authorities for emergency readiness at the Federal, State, and local levels under one official, with the goal of maximizing the effectiveness of Federal emergency programs and assistance and simplifying and streamlining our efforts to support state and local initiatives for comprehensive emergency management.

To support this restructuring, we have also taken steps to assure that our emergency plans and preparedness programs are particularly sensitive to the issues which confront us when a disaster strikes. My experience has been that too often, planning programs do not reflect the experience gained from real life exposure in actual disaster situations. An important step in achieving this objective is the conduct of emergency tests and exercises, which I am strongly encouraging at all levels of government.

I have instructed the Associate Directors of Plans and Preparedness and Disaster Response and Recovery to coordinate planning efforts in order to assure realistic plans for real world situations.

In addition, Mr. Chairman, FEMA is continuing a series of disaster critiques to assist in both the planning and response activity. We are working closely with other Federal agencies with emergency response responsibilities and capabilities. This coordinating function is performed to gain a higher degree of interagency collaboration in the improvement of disaster planning and response and to seek opportunities for community development in the aftermath of a disaster.

As further evidence of our consolidation, we have brought together our national program and administrative staff elements into

several centralized locations in Washington and have consolidated regional staffs from over 30 separate locations into 16.

Our plans call for regional headquarters offices in or near the ten Standard Federal regional cities, with continued use of the underground Federal regional centers involved with our civil defense and national crisis readiness programs.

Now, if I may, Mr. Chairman, let me turn from this brief overview of our broad mandate for emergency management to a more specific discussion of FEMA's programs for disaster response and recovery, programs in which this subcommittee has long had a vital interest.

Over the past year, disaster activity has been heavy. Hurricanes David and Frederic inflicted severe damage on the Virgin Islands, Puerto Rico and the gulf coast. Floods and mudslides caused by heavy rains have taken their toll in California and Arizona.

Since April of 1979 when FEMA first came in being, there have been 45 Presidentially declared major disasters and emergencies. Total estimated requirements for these declarations exceeds $713 million.

Since the law was enacted in 1974, over $2.1 billion has been expended or obligated as the result of disasters.

It is interesting to note, especially in these budget-conscious times, that of the 45 declarations, fewer than a dozen account for 85 percent of the disaster relief funding requirements. Only three declarations comprise 66 percent of these requirements. This is testimony to the supplemental nature of the Disaster Relief Act, and additionally validates the role of the individual State in this effort.

Clearly, Federal disaster assistance is going where it is most needed. This is partly due to the fact that only needed assistance programs are activated in some cases and partly because not every request for assistance results in a declaration.

Because of the supplemental nature of this program, of the 70 requests received since April of 1979, only 42 resulted in major disaster declarations, 3 resulted in emergency declarations, and 7 were granted for fire suppression assistance.

But there are ways to cut costs. One way to create savings is through improved efficiency. On this point, I am very proud of the efforts being pursued by FEMA. Over the past year, in addition to responding to disasters, we have undertaken some major program initiatives which will result in cost savings as well as better service.

Among these innovations are: First, the combined application and verification process which has begun to simplify the maze of Federal forms previously necessary for an individual to apply for and receive disaster assistance; second, increased emphasis on the State role, particularly in temporary housing—and here, I quote my associate, Bill Wilcox, who likes to say, "The States do it better"; third, we are now moving toward a possible integration of temporary housing to more permanent domiciles, thereby bringing about more rapid recovery, as well as the expenditure of fewer Federal dollars in the long run; and fourth, increased use of floodplain management and hazard mitigation authorities—section 406—through close coordination of different elements of FEMA,

which will lessen Federal recovery expenditures in the years to come.

Mr. Chairman, a major thrust of FEMA is to assure that after a disaster the future vulnerability of the area is significantly reduced. The Federal Insurance Administration and Disaster Response and Recovery are working closely together with disaster-stricken communities, encouraging them to use this opportunity to correct previous land use mistakes.

These are but a few. I highlight them to indicate the direction in which we are moving.

And now, Mr. Wilcox is prepared to give you a more detailed report on the work under the disaster relief program.

Thank you, Mr. Chairman, for this opportunity to report on this important work.

Mr. ROBERTS. Thank you, Mr. Macy. We will hold our questions until after Mr. Wilcox has testified.

Mr. Wilcox?

Mr. WILCOX. Mr. Chairman, if I may have your permission to do so, since you have entered my statement in the record, I will summarize.

Mr. ROBERTS. Please proceed.

Mr. WILCOX. Thank you.

I think perhaps it might be helpful to emphasize some of the points that Mr. John Macy has just made with respect to Public Law 93-288, the Disaster Relief Act of 1974. He pointed out that the Federal role as defined in this legislation is supplemental to the state and local effort. In fact, the law requires that any Governor who makes a request for Federal disaster assistance—and I should say parenthetically that only about 56 people in the United States can make such a request, namely, the Governors of the 50 States, the mayor of the city of Washington, and Governors or equivalent. Puerto Rico, the Virgin Islands, America Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands. He must certify that the situation is beyond State and local capability, and he must also certify, at least in the case of disasters, the extent of the State commitment which has already been made and which will be made in order to deal with the situation.

Now, the responsibilities of the disaster response and recovery components of the Federal Emergency Management Agency are really threefold. The first one is damage assessment. The FEMA regional office from the region in which the request has been made, assemble a group of Federal officials and Federal agencies—the exact configuration depends on the type of event which has occurred—and, in cooperation with State agencies undertake a damage assessment study. That action permits FEMA to make recommendations to the President of the United States with respect to the matter. This is the first of the three activities; namely, damage assessment.

The second responsibility is that of coordination of all the Federal agencies, and the legislation provides, for the appointment of a Federal coordinating officer in connection with each disaster or emergency. Quite often, the Federal coordinating officer is the FEMA Regional Director, but it is not always so. It could be an-

other staff person from the regional office or, as occurs from time to time, under circumstances when we have three or four active disasters and emergencies underway concurrently, we may call on help from one of the less active FEMA regions. This gentleman, the Federal coordinating officer, has been referred to as the head "Fed." His job is to coordinate all the various Federal agencies, including representatives of FEMA, in assuring a coordinated and effective Federal response. This coordination is the second of the three responsibilities.

The third responsibility is that of program operation. There are several different programs that are involved in a disaster response when the President has made a declaration which is administered, either directly or indirectly, by the Federal Emergency Management Agency.

The first and the largest by far is the public assistance program, which provides both emergency aid and involves things like an enormous amount of debris removal. In the case of Hurricane Frederic in Alabama, public assistance involved a wide range of activities of an emergency nature. Also, FEMA provides funds for the permanent restorative work of buildings that have been damaged in the disaster.

There are also a series of programs for individual assistance. Two of the most important are a $5,000 maximum grant program to disaster victims who have serious unmet needs in connection with the disaster. By law, this is a cost sharing effort—75 percent by the Federal Government, and 25 percent by the State.

The second is providing temporary housing to disaster victims, and as John Macy has already indicated to you, we have more and more turned to the States to perform this function under a delegation or a mission assignment from us.

You will be interested to know that since we have adopted this new program, 23 of 43 temporary housing missions have been handled by the States, and the States have achieved, by and large, an impressive record.

That summarizes the major features of the Disaster Relief Act of 1974, and most particularly, I hope I have emphasized the supplemental role of the Federal Government in helping State and local governments when the situation has become so severe as to be beyond State and local capability.

Now, if I might, I would like to refer a point that John Macy made regarding the fact that a good many disaster requests are, in fact, not approved.

For example, the Disaster Relief Act of 1974 has been in effect since April 1 of 1974. Since that time, there have been 324 requests for major disaster assistance and 196 major disaster declarations. There have been 104 gubernatorial requests for "emergency" declarations, of which 66 were approved, and 42 requests for fire suppression assistance, of which 24 were approved. So we believe this indicates that the President's disaster relief program is by no means a give-away.

Some 176 requests for Federal disaster relief under the act were denied.

Now, if I might just briefly mention some of the new thrusts and improvements we have been trying to make with John Macy's

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leadership and support in the disaster response activities. He has already mentioned some of them and I have added a couple more, but there is one that has not been mentioned.

We found that there were at least 16 different Government forms, Federal Government forms, that the typical individual disaster victim was called on to deal with when a disaster occurred, and we thought that was something like 15 too many.

We have recently adopted a program combining the Small Business Administration program, the individual and family grant program, administered by the States, and the housing program, into a single process. As far as the disaster victim knows, he is dealing with a single program, a single agency, and a single process. He is given support by an applicant advisor, who in a sense is his advocate with the Federal agencies. We think this combined process is the single most important thing that we have recently achieved in improving disaster response from the viewpoint of the disaster victim.

I have already mentioned the fact that we plan more and more emphasis on the State role, and that the most tangible evidence is in temporary housing activities, but we have also looked to the States for leadership in other ways.

Third, we are trying to improve our damage assessment to standardize it. When I came aboard, I told the folks out in the regions that I wanted damage assessment reports to get in fast, much faster than we were getting them. I am getting them so fast now that sometimes they are not as consistent or as complete as they ought to be. We are setting up new procedures to assure uniformity.

We think our Disaster Assistance Centers, where the disaster victim comes for assistance from a whole variety of Federal agencies, is a kind of shopping center of disaster assistance, if you please. As a result of our combined application and verification process and other improvements we are making, and better communication procedures, disaster assistance centers can be improved and made more comfortable and reasonable, particularly from the viewpoint of the disaster victims.

We are improving our operational capability. We now have 24-hour, 7-day-a-week operational coverage, and during off-hours, if anybody calls a region for assistance from the Federal Emergency Management Agency, and that regional office is closed, the phone is diverted to our operations center here in Washington.

John Macy has already covered the extensive amount of work in hazard mitigation, and implementing Executive Order 11988 and 11990. We have upgraded all of the mobile homes that we own or that we have owned in the past to the new HUD fire safety standards. We have helped disaster victims by paying a portion of the fuel costs which they have encountered which, as you know, have been increasing a great deal.

So those are the major items, Mr. Chairman and members of the committee, that we have been attempting to put in to effect within the framework of this very excellent piece of legislation.

So we would endorse the reauthorization through H.R. 6863.

Thank you.

Mr. ROBERTS. Thank you, both Mr. Macy and Mr. Wilcox. I was very much impressed with the way you got off the ground with this new agency, the way you put it together, and I am indebted to you for cleaning up some of the problems that I was familiar with. I think you have done a magnificent job of getting started.

I just have two questions. You are agreeable to the 3-year time limit extension?

Mr. MACY. Yes, sir.

Mr. ROBERTS. That is your request. Now, are there deficiencies in the act that need, or must have, some change—or, would you rather think about that and write us?

Mr. MACY. Well, I believe Mr. Wilcox has two or three points that he would like to contribute in response to that.

Mr. WILCOX. Well, I think, Mr. Chairman, the response has to be in a generalized and perhaps unofficial framework, because the process of administrative review on these proposals has not been completed.

But there are a number of items—although, as I said just a moment ago, this is a really excellent piece of legislation developed over several decades, and it provides us with the flexibility to move rapidly and effectively in a whole variety of situations that cannot, in advance of the event, be anticipated.

We think that on the public assistance side, where we are now paying in most cases—not every case, but in most cases—100 percent of the permanent restorative cost, these probably ought to be cost sharing with the State and local governments, with each State deciding how to handle its share. Congress in its wisdom provided for cost-sharing with respect to the individual and family grant program on a 75–25 percent basis, and we think this excellent idea ought to be extended to the public assistance permanent restorative work. It is, of course, always easy for a level of government which has no responsibility for raising any of the funds to press for assistance, and we think cost-sharing would be both a discipline and a good procedure from a public finance point of view, having in mind, of course, the interest in the Federal economy at the present time. That is really the major substantive change. We have a number of others. We think that the individual and family grant program, which is now at the ceiling of $5,000, ought to be raised to $7,500 or perhaps even higher, considering the value of the dollar in 1974 and in 1980.

The States are troubled by the very parsimonious amount of money allowed for administration of that program—it is 3 percent—and that, by anybody's standard, is indeed parsimonious. We think that some kind of formula ought to be adopted that would cost-share the administrative expenses that went beyond the 3 percent.

There are a number of other proposals. We think that perhaps the legislation might be liberalized a bit to include certain nonprofit activities of a public service nature that are not now covered. Of course, as you know, hospitals and volunteer fire stations are already out for assistance, and we think that there would be a lot of merit for museums, zoos, and other things that are frequently governmental functions, but not always. And at the present time, those communities where the citizen is, through voluntary effort,

paying for these activities, the community is not eligible for assistance, and in cases where the function is being provided through the tax dollar, the community is eligible, and we think that this is a disparity that might be remedied.

I have in my notes several other items which perhaps we could handle by correspondence.

Mr. ROBERTS. Fine. Thank you.

We have had some complaints that say they have too many things to do, but that would obviously indicate they are not cooperating with you.

Do you have procedures that can sort of require the States cooperation—you are not really having any trouble with them, are you? They generally just want some more. Is there anything in the act that keeps you from getting State cooperation? Is there any objection by the States?

Mr. MACY. No. In fact, the act provides a sound basis for a constructive partnership between the Federal Government and the States. I think it is very important for us to continue to emphasize the fact that the Federal Government is performing a supplemental role, an augmentative role, that in no sense is superseding the responsibility of State and local government, to deal with the issues of this kind. I think one of the strong points in the creation of this new agency is the responsibility that has been assigned, in line with the act, for this agency to serve as the Federal coordinator so that there is one representative of the Federal Government with whom State and local authorities can deal.

I have seen, in the short time that I have been in this position, how that facilitates the relationship between the two. This does not mean that the relationship will always be friction-free, because there are interests that will arise that will have to be worked out. In some instances, the organizational pattern in the State is one that is not entirely compatible with the Federal Government, and we need to modify it.

Because of our decentralized organization and because our regional people are in frequent contact with the States on a whole range of emergencies, we are establishing constructive interpersonal relationships which will facilitate the accomplishment of the job and, in the long run, will provide a better service to the citizens, which is really our ultimate purpose in administering these programs.

Mr. ROBERTS. You answered the question better than I asked it, because what I was trying to get at was what you brought out, that you want to be secondary; you do not want to assume total responsibility or primary responsibility.

Mr. MACY. Correct.

Mr. ROBERTS. Thank you.

The gentleman from California, Mr. Clausen.

Mr. CLAUSEN. I certainly want to join in welcoming both of you distinguished gentlemen, and add to what the chairman has said, that on the basis of information we have had, the overall administrative efforts that you have carried out have in fact been responsive and responsible. So I do want to at least start off with a complimentary remark to you.

Mr. MACY. Thank you very much.

Mr. CLAUSEN. And you must have been anticipating my questions, Mr. Wilcox, because as I am sure you are aware, we are going to have some testimony from two of our colleagues who have some amendments that would address some specific, or maybe some unique problems in their own area, and you already alluded to one. That is, I would like to know what your agency's position would be on providing for the eligibility of Federal assistance to the nonprofit museums, zoos, libraries, and historic facilities, and do I gather from what you said earlier that you would be inclined to be supportive of this as an agency?

Mr. WILCOX. I think that is correct. I refer to the comment that I already made. We are not responding on behalf of the administration, since the matter is still under administrative review.

Mr. MACY. We believe that there is adequate justification for including some of the additional institutions, and that the determination can be governed by regulation. We would favor the bill that has been introduced on this item.

Mr. CLAUSEN. Yes. That is Mr. Lott's bill, I think, that has been introduced.

Mr. MACY. Yes, sir.

Mr. CLAUSEN. I see in the committee room one of those witnesses, our good friend and working colleague, Congressman Benjamin. He has a proposal which is directed to establish snow emergency standards and to change the date on which Federal assistance is triggered, from the date of the declaration of the President to the date when the actual disaster occurred. And I am going to ask Mr. Benjamin, have I recited what in effect is the thrust of the legislation correctly?

Mr. BENJAMIN. Yes, you have.

Mr. CLAUSEN. All right. What would be the position of the Agency on this amendment?

Mr. WILCOX. I think it is useful to make a distinction, Congressman Clausen, between an emergency declaration and a disaster declaration.

A disaster declaration is oriented in large part to community recovery and generally deals with situations where there are people to be housed, destroyed or badly damaged structures to be repaired, and debris to be removed and so forth.

An emergency declaration is designed to deal with saving lives and protecting property and public safety. We do in fact go back to the incident date which triggered the assistance in the case of a disaster declaration because it is a community recovery effort, and because of the type of event involved. Please keep in mind—and I emphasize this—that there is a significant contribution required from State and local governments as a precondition to the disaster declaration. So this clearly is supplemental in nature.

Since an emergency is designed to save lives and protect property and public safety, it has been our position that it is impossible to do those things retroactively; that fiscal and budgetary stress standing by itself does not constitute grounds for emergency assistance.

We would agree that where special circumstances occur—say, in a delayed damage assessment—causing a long interval in time

between the gubernatorial request and the action by the President, we might go back to the date of the gubernatorial request.

But I think that—and I do not want to make any presumptions—but I take it that this issue is really framed around the issue of snow disasters—the Congressman is shaking his head "yes"——

Mr. CLAUSEN. That is correct.

Mr. WILCOX. It seems to me to be unreasonable to suggest that in a program where the Federal role is intended to be supplemental, that snow assistance should be provided back to the fall of the first flake of snow.

We think that it is quite proper, because of the purpose of these emergency declarations that I have cited, to generally make the assistance available from the date of the Presidential declaration. Keep in mind, that if equity demanded, and where special circumstances existed, we would consider going back to the date of the gubernatorial request. While I don't think we have done this in the past, we would certainly give it consideration.

Mr. CLAUSEN. Well, it may very well be that after we hear the testimony of our friend from Indiana, that we will be wanting to submit some follow-on questions to you so that we can get a clear record of it.

Under what authority did you participate in the cleanup of the Love Canal problem up there in New York State?

Mr. WILCOX. That was an emergency declaration, and the authority was the provision of the legislation which lists a whole series of eligible events for an emergency declaration, and adds, "and other catastrophe," and it was in the framework of the purpose of that clause, and particularly the language, "and other catastrophe," that the President honored the request of Governor Carey and concluded that an emergency declaration was appropriate.

Mr. CLAUSEN. Thank you, Mr. Chairman.

Mr. ROBERTS. Mr. Ertel?

Mr. ERTEL. Thank you, Mr. Chairman.

I am certainly happy to see you, Mr. Wilcox, since you are from my native State, and Mr. Macy.

One statement you made in your written testimony that during the past year, FEMA has been called upon by the White House to help respond to the nuclear reactor incident at Three Mile Island, near Harrisburg, Pa. Our experience with this incident confirmed that "a single emergency response agency is necessary to coordinate the host of Federal, State, and local efforts." Do you have that authority now to be that single agency?

Mr. WILCOX. Yes.

Mr. ERTEL. What does it require for you to take charge under that provision?

Mr. WILCOX. The same action that was indicated earlier, a gubernatorial request and approval of that request by the President.

Mr. ERTEL. Did you, in fact, take charge at Three Mile Island?

Mr. WILCOX. Could I give a more extended answer than yes or no to that, because I think it requires a more extended answer.

Mr. ERTEL. Surely.

Mr. WILCOX. The Federal Disaster Assistance Administration, which was in existence at that time, was requested by the White House—and I certainly concurred in the decision—to provide a

person in Harrisburg to coordinate the nonscientific activities that were under way—evacuation planning and so forth—at Three Mile Island. So in a sense, Mr. Robert Adamcik acted as the Federal Coordinating Officer in Harrisburg, operating in the basement of the Department of Transportation building there, alongside Colonel Anderson and members of his staff in coordinating those activities.

It is, of course, correct that he did not have the formal authority that the legislation could have provided. But I think that FDAA—and I know that FEMA would do an even more effective job—provided a bridge for coordination between, on one hand, the General Public Utility Corp., and the NRC, and the agencies which had resources, on the other hand, so that we were getting requests 24 hours a day for securing all kinds of esoteric equipment for protection of property and so forth, and the NRC took over the responsibility of assuring the funding source, so that once the funding source issue was resolved, we basically operated as though it were an emergency.

Now, it happened that Governor Thornberg preferred—as frequently Governors do—to be very much out in front in that whole activity, so that Bob Adamcik was hardly known in Harrisburg. And we would applaud the Governors who choose to take a leadership role and keep us in the role that the legislation indicates, being supplemental.

Mr. ERTEL. I just might bear on that a little bit more. Quite frankly, I know of no one—and I say no one—who thought the efforts to coordinate the activities at Three Mile Island were good. So when you say that you were satisfied—I think that is what you said—with the Federal Disaster Administration, I do not know anyone else that shares that view.

And the second thing is that the coordination has been subject to an awful lot of scrutiny since that time, and it has been fairly well criticized by most of the groups that I have seen their reports.

And third, it is my understanding that there is no plan in place at the present time that could in fact do an evacuation effectively if in fact Three Mile Island, 1 year later, still had a problem, and it is still in a position that it may have a problem.

Now, what is FEMA's role in that—because when I read this statement, you say, "Our experience with this incident confirms that a single emergency response agency is necessary to coordinate the host of Federal, State, and local efforts." It seems to me that is an accurate statement of what is needed. But my question is: Is FEMA prepared to do it, and do they have the authority to do it?

Mr. MACY. May I respond on that question?

Mr. ERTEL. Surely.

Mr. MACY. As a result of Three Mile Island, there have been many different investigations of that occasion and the performance of various public and private bodies. One of those reports was one of a Commission chaired by President Kemeny of Dartmouth. As a result of the report of the Kemeny Commission, President Carter has made a number of Executive assignments within the Federal executive branch to assure that there is: One, adequate safety at such plants, and two, plans for emergency activity.

The assignment given to FEMA has been an extended one which calls initially for a review of all of the State plans of an emergency

nature for the offsite area near such a plant. We are actively engaged in working with all of the States where the 72 plants are at the present time, and to complete that review by the end of June.

FEMA has also been assigned the responsibility of assuring that there is Federal coordination at such a site, that the various Federal agencies are working in concert with each other, with local government, and with the operator of the plant.

Further, the agency has been tasked to develop educational and training information that may be utilized by the local governments in preparation for the accident which we all hope will never occur again.

Mr. WILCOX. I wonder if I might comment on the earlier parts that dealt with my own reaction to the situation. I was answering your question in the relatively narrow framework of FDAA's response, and I would not by any means say that it was perfect, but I think we were able to get the things that were requested on a timely basis, and I think that given the circumstances and the low level of evacuation planning that certainly existed at that time—and I fully agree with you on that point—that we did a credible job.

I think that the total governmental response was less than satisfactory. I was the lead witness before the Kemeny Commission, and I would be glad to send you a copy of my testimony, where I listed about seven major defects in Government's response to that emergency.

Mr. ERTEL. I am well aware of those, Mr. Wilcox, and I appreciate the fact, and I do have your testimony on that. But I am afraid—and I do not want to keep back—but you still, I do not think, have answered my question. It says, "* * * that incident * * * single emergency response agency * * *." Now, you have said there has been an Executive order that gives you oversight of the evacuation plans, and so on. Do you have legislative responsibility to be the single emergency response agency to take control in such a situation?

Mr. MACY. No, we do not have legislative authority unless there was a request by the Governor that the President declare a disaster. As Mr. Wilcox indicated, that did not occur at Three Mile Island.

We would be utilizing the President's delegated power to bring about the necessary collaboration on the part of the Federal agencies that would have any role to play in an emergency of that kind.

Mr. ERTEL. You are designated as the lead agency, then, is that it?

Mr. MACY. That is correct.

Mr. ERTEL. But you still do not—unless, in fact, somebody relinquishes authority, you do not have that power unilaterally, is that right?

Mr. MACY. That is correct.

Mr. ERTEL. Second, the emergency evacuation planning, you say you are reviewing; is that in place for Three Mile Island at the present time, 1 year later—probably the highest priority of any place in the Nation.

Mr. MACY. The review is with the State of Pennsylvania on the plans, in accordance with standards that have been revised on the basis of the Three Mile Island experience—the review of the plan by FEMA from the State of Pennsylvania—the precise answer to your question is that the review of the plan, in accordance with the new standards, has not been completed, but will be by the end of June.

Mr. ERTEL. I would suggest to you—and I am not here to be on a witch hunt—but I would suggest to you that that is inadequate. We are talking about a year later. We are talking about an incident that now there is a possibility, and we have got serious problems there with venting of radioactive gases, and we still do not have the possibility of having an effective emergency evacuation plan. And it seems to me that you, as the lead agency of the Federal Government, should have insisted and worked harder to get that done, and I cannot understand why we have got to wait until June.

If, in fact, something happened there today—and this is 1 year later—I think today is the exact date, in fact, it is, 1 year to the day—we still cannot effectively evacuate that area if we have a problem, and we have a highly radioactive reactor building, containing dangerous elements, which is not in a cold shutdown.

Now, how can you explain to me that you have not been able to get that plan in place in 1 year? Is there any explanation?

Mr. MACY. Well, the involvement of this agency has been only in very recent times, so it has not been a full year. And we are working with NRC and with the State on those plans, and intend to expedite them.

Mr. ERTEL. I thank you for your answers. As I must tell you, you understand my position on it.

Mr. MACY. I understand very well, and I am very sympathetic to your position.

Mr. ERTEL. And I feel very strongly about that position, and I would hope that you would intensify your efforts in that regard very rapidly.

Thank you very much, Mr. Chairman.

Mr. ROBERTS. Mr. Oberstar?

Mr. OBERSTAR. Thank you, Mr. Chairman.

Mr. Wilcox or Mr. Macy, to what extent in the course of a disaster does your agency call on civil defense agencies locally to assist in mitigation of a disaster?

Mr. WILCOX. The course of events are such that usually the search and rescue activities and the other kinds of things that the local civil defense people would be involved in are generally completed before the Federal presence is felt, because of the fact that the Federal role is supplemental, as I indicated.

However, if there were situations where that kind of aid was needed—and I am sure there have been such situations—we would commission the U.S. Army. I should have said also that in the immediate response activities that would involve local civil defense, the Governor almost always activate his State National Guard, but should that prove inadequate, the local base commanders of military installations in the area are authorized by Army regulation, and it applies to the other branches as well, to provide direct and immediate aid. If we had a situation where there was still defen-

sive activities of that type—evacuation, if you please, or search and rescue activities—under way at the time the Federal presence was authorized, we would then mission assign regular Army capability to provide the assistance.

Mr. OBERSTAR. But you do not call on the civil defense folks first to get involved and to be helpful?

Mr. WILCOX. Well, we would have an interchange with the civil defense people. We have a disaster field office where the Federal Government and principally the Federal coordinating officer and the State coordinating officer coordinate the various activities——

Mr. OBERSTAR. But aren't civil defense people the experts in the field of emergency preparedness?

Mr. WILCOX. Well, I was about to say that the State does bring in civil defense people to help in the various activities. Most disasters in the United States, the search and rescue activities, as I said a moment ago, are completed before the Federal presence has been felt.

Mr. OBERSTAR. Do civil defense authorities locally have authority to move in, to provide assistance, in a situation such as a Three Mile Island, or a natural disaster, a flood?

Mr. WILCOX. Most jurisdictions—FEMA has been urging every jurisdiction in the United States to so plan—have an emergency response plan which has a number of components to it. Evacuation would be one such component; search and rescue would be another; emergency medical assistance would be a third component. And with proper planning, and with proper statutory background, both in State law and in local ordinance, the civil defense people would have authority to act on behalf of the local government in the various activities. For example, warning people of an impending hurricane is an activity that civil defense frequently performs.

Mr. MACY. Mr. Oberstar, may I supplement Mr. Wilcox's response?

Mr. OBERSTAR. Please do.

Mr. MACY. I think one of the prime purposes of the Federal Emergency Management Agency is to develop with State and local officials the concept of comprehensive emergency management, and the bringing together in a collaborative pattern at a local and State level those officials who have the emergency responsibility, so that they can supplement each other's efforts in dealing with emergencies of all kinds.

I find as I travel around the country and confer with civil defense officials, and fire officials, and various other agency representatives, that the concept of comprehensive emergency management has preceded me substantially. And that in almost every instance, those who have been designated as civil defense officials have participated in flood relief activities, have been involved in dealing with tornado disasters, and very frequently, they are the spokesmen for local government long before there is any request to the Federal Government to become involved.

Mr. OBERSTAR. And aren't they better prepared to handle this than National Guard or emergency medical services or virtually any other entity? They have plans developed for evacuation of the people, for response to emergencies. It seems to me that there ought to be a greater responsibility for civil defense to provide a

coordinative role and be, in effect, a lead agency. There is no other structure in place.

Mr. WILCOX. Well, the publications which FEMA has issued with respect to this matter do urge that civil defense be placed in that role. I think it is very important at the same time, Congressman, to emphasize that disaster response has to be in a sense "decentralized." But you do not want to duplicate in your civil defense organization all the other resources that exist as an ongoing matter in the community, such as the emergency service capability—well, the things that I mentioned——

Mr. OBERSTAR. Well, I did not say to duplicate; I just said to perform a coordinative role.

Mr. WILCOX. Well, most of the communities have an emergency council structure in which these various elements that serve, with the civil defense person being the chairman of that operating and coordinating group.

Mr. ROBERTS. We have a rollcall. We are going to have to go vote. We will try to get back in 10 minutes.

[Short recess.]

Mr. ROBERTS. The subcommittee will resume. Mr. Oberstar has a couple more questions.

Mr. OBERSTAR. I just wanted to follow up on the civil defense question. I think it is a very important aspect of the disaster response function of FEMA, and question why, in the face of the needs for an effective civil defense response and a comprehensive disaster assistance response by the Federal Government, the civil defense, personnel and administration, funding is being cut back and why there is a reduction at this time in a budget that ought to be at least continued, if not increased.

Mr. MACY. The personnel and administrative funds under the Civil Defense Act, in the President's budget for fiscal year 1981 are at the same level as the previous year, which in real dollars does constitute the reduction that you are referring to.

The program is being reviewed by FEMA to ascertain the benefits from it and what the complete requirements are for support of those activities.

The indication is that in many communities, the 50 percent matching of salaries is providing substantial emergency management services beyond those traditionally associated with civil defense. And the view has been that the statute permits that.

One of the problems that has been revealed is that in many of the localities across the country, there are very limited numbers of people because the local jurisdiction has been unable or has been unwilling to produce the 50 percent in order to have the matching.

So we have an irregular pattern across the country. We would hope that by the time we review the program for 1982, we will have completed this evaluation and either extended the program or provided an alternative to recommend to the Congress, which will be even more fully responsive to the emergency needs of the community.

Mr. ROBERTS. Mr. Lewis has some questions. While he is getting here, I might suggest that if something comes up before we mark up the bill that you think needs further consideration, either telephone us or send us a note on it, or if you have any suggested

language for any of the proposals you already have, we would like to have your proposed language.

Mr. MACY. Very good, Mr. Chairman. We will do that.

Mr. ROBERTS. We appreciate very much, Bob and John, how much you have done down there. I think you have a great agency, and you know there is a lot of tightening up to do—new agency, a new deal.

I want to tell you one story. Mr. Ertel was talking about Three Mile Island. Nobody got hurt, but I am sure you heard Rickover say that people worry about atomic energy and nuclear energy, and he said, "My boys have traveled"—I believe he said 15 million miles all put together—no accidents, not a single problem, but they had one key to the whole problem—one, if anything happened, they knew it was all she wrote, so they took their training seriously. And he said every day it was training, training, training. He brought it out, and I think you did, too, Mr. Macy, that at Three Mile Island, out of 900 employees, 39 of them had gone through the requisite course.

Mr. LEWIS. Thank you, Mr. Chairman. I am sorry for the delay, and I hope I do not repeat questions somebody else has asked. But as you know, in southern California, gentlemen, we have had a great interest in FEMA lately, so we welcome the hearing.

I would like to repeat some of the comments of my colleagues. At the time of emergency, we become very sensitive and aware of the need for coordination, and one place where you can get some response. And your attitude today has been particularly impressive to me, and it is with that in mind that I would like to raise some questions relative to the way our efforts seem to happen out in the field when you have emergencies.

As you know, southern California has been inundated lately, and everybody has been pressed to the wall. The area has been declared an emergency. You are cooperating with our people. But they seem to have some serious questions about our ability to respond expeditiously. So, with that backdrop, I would like to ask a few questions.

First, what policies, once you are in the business in a specific emergency circumstance, are you following in the restoration of existing flood control facilities operated and maintained by those local agencies?

Mr. WILCOX. There is a new requirement that is imposed on disaster response in the form of Executive Order 11988. First of all, let me say that with respect to emergency actions on flood control projects, there is no change. Those emergency actions are taken as expeditiously as possible.

You may be referring to some delays—and just how extensive or minimal they may be, I am not prepared to say at the moment. With respect to permanent restorative work, under Executive Order 11988, in the southern California disaster, we now for the first time have interim regulations in the Federal Emergency Management Agency which require a specific examination as to whether there are practical alternatives to any replacement on a permanent basis of any facility which is in the 100-year flood plain, and that review, as important as it is—and we recognize it to be very important—inevitably can slow the process up.

There is no other change in policy that I am aware of. Now, I am not sure that that is directly to the point of your question.

Mr. LEWIS. It certainly relates to the area I want to get to. The flooding problem extends over broad areas of San Bernardino and Riverside County, and those many water districts literally are in a mess, and they have got facilities that need to be restored as quickly as possible because of the obvious possibility of another storm coming along. And yet, they seem to not be able to get a handle on a process for response to your need for review that expedites the process. That is, somebody comes on-site and looks at a problem or a facility, asks questions, they fill out forms, your people go back, and the next thing they know, the forms have been changed and the questions are different. There do not seem to be guidelines, written rules, that allow them to really get a handle on how they can best expedite the process. And I am wondering if you are aware of that problem. It has been raised by more than one water district within my region—and if so, what you are doing about it.

Mr. WILCOX. I was not aware of any problem until what I have just heard from you, with respect to emergency repair work, and I will certainly contact the Federal coordinating officer, and if it appears to be useful to do so, we will send somebody from the national office to take a look at the situation.

As I said a moment ago, I am aware that there are inevitably going to be delays in the permanent restorative work because of the review process called for in connection with Executive Order 11988, to be sure that we do not relocate facilities back in the flood areas that would be damaged over and over again at repeated cost to the taxpayer.

But we will look at the situation. We will have to talk to you and your staff further about it, and try to identify the specific problems.

Mr. LEWIS. Mr. Chairman, I would point specifically to that reference to Executive Order 11988 that was just made, where it appears that the implementation of that Executive order may very well be causing as many problems as it is solving, where you find yourself in a position where you have got a facility that at least was providing some flood control, and then when you look at the lines that relate to a facility in a flood plain, it may put you all the way back to starting a brand new project all over again and into a 10-year phase once again, because of that Executive order. And perhaps we should look carefully, at least, at how that Executive order is affecting us in southern California, and probably the rest of the country as they face disasters ahead of us.

Mr. WILCOX. Could I make a notation further with respect to that point?

Mr. LEWIS. Yes.

Mr. WILCOX. The FEMA regulations with respect to Executive Order 11988 went into effect fairly recently. The first disaster where they have had full application is the southern California disaster.

Now, it is important to note that those are interim regulations, not final regulations. I know from conversations with the General Counsel of FEMA that we intend to look at the situation in south-

ern California with a view toward some modifications in the FEMA regulations with respect to Executive Order 11988, to remove any unnecessary encumbrances of the type that you seem to be identifying.

Mr. LEWIS. I would appreciate that kind of response.

Following a similar pattern, another area of concern—and complaints come when we are all faced with emergencies, and I know if you are out there, you want to make decisions, bang, and move ahead—but there appears to be some very real difficulty where the locals and FEMA have agreed on the need for restoration. There seems to be an inability for the kind of on-the-spot decision that will allow the locals to go ahead immediately without a whole bag of paperwork that is relatively new in their experience in emergencies.

Is it our policy that those field people are given the authority to say yes, this seems logical, go ahead, or do they absolutely have to complete the paperwork, dot the i's and cross the t's before that work can move on?

Mr. WILCOX. Sir, that is a generalized question that is hard to answer in any precise terms. We have had a longstanding conflict between redtape, on the one hand, and protecting the taxpayers' dollar against misuse, on the other hand, and we very much want to follow a middle path.

Mr. Macy earlier mentioned that FEMA is a decentralized organization, and it is decentralized, for the most, so that the people in the field will be free to make decisions on-the-spot of the type that you have mentioned.

But I know that redtape is one of those universally abhorred activities, but it is sometimes there because of some possible abuse that has occurred in the past that makes it necessary to have it under control.

I would have to deal with a specific situation to know whether we might have gone too far one way or the other. And if it is really as severe as you indicate, perhaps I can arrange to personally review this question.

Mr. LEWIS. I think it may be of value to personalize it, for it may be just a specific bottleneck or a general problem. On the same point in another way, I believe it is FEMA's policy that they will not pay for restoration or return money spent if that restoration has not been approved before the restoration takes place. Is that correct? For example, they have got all kinds of problems that they feel they need immediate work on, where they think there will be time delays, but if they move ahead today, there is great concern that there is no chance for reimbursement because there has not been approval or agreement beforehand.

But that creates a real problem when you are faced with potential secondary disaster.

Mr. WILCOX. There is no hard and fast rule on that, Congressman. The ever-present danger is that local governments, in their ardor to return to predisaster conditions will also enhance the quality of the structure in the hope that largesse and Uncle Sam will somehow or other look the other way and pay that extra amount. So we do have to be sensitive that the law calls for replacement and not enhancement of structures unless that en-

hancement is related to hazard mitigation or flood plain management.

Again, it is difficult to deal with the generalized question, because it can only be dealt with in the specific. But I would say this, that there is no hard and fast rule that simply because a community goes ahead and restores something, without having the signoff of the Federal Government, that it will not be reimbursed for that structure.

Mr. ROBERTS. Would the gentleman yield to me?

Mr. LEWIS. Yes, Mr. Chairman.

Mr. ROBERTS. I have been in, I think, four of these that were majors, and what happens so often, if you are out in a town, and you have a couple of bulldozers and you want to put them to work at $100 an hour, you go to the mayor and you say, "Now, you get my bulldozers to work." And they are more interested in that $100 an hour than they are in getting the work done. As a result, on one of them, we had a tremendous overpayment. So I expect part of their reticence is due to the hurricane we had at Corpus Christi a long time ago, where we had to put some brakes on.

Mr. LEWIS. Well, Mr. Chairman, if I know you, you will just go get it done.

One other question on a more positive note. That is that you are to be complimented, the people from FEMA, on the tremendous lobbying effort that has been going together here lately to make sure that your funding is accelerated for disaster potential across the country. I agree with that need for lobbying. But in connection with it, I would like to be assured that the money that is in the pipeline—roughly $150 million, I think—is adequate—in spite of the fact that there are calls for smaller problems around the country—is adequate enough to assure that in the short term, we will be able to solve those problems or the crises that are being faced in southern California right at this moment.

Mr. WILCOX. I do not think that we can give you that assurance, frankly. We need the money, and we have needed the money for the supplemental for a good deal of time. I will tell you what we have done to try to reduce the human inconvenience and suffering. This may be related to the earlier questions you asked, and it had not occurred to me until you asked this one.

We have told all of our regions not to make payments on this public assistance side of the ledger in the restoration of public facilities as long as any of that money was being taken from individual disaster victims. In other words, my policy has been when we have a shortage of funds, the individual disaster victim comes first, and the government comes second, and that if you have a requirement for 2 quarts of water and you only have 1 quart, you have to decide where to put it, and we have tried to put it where it helps the citizen directly.

But to give any Congressmen from any of the districts that have disasters active at the moment—and there are a number—any assurance that there will not be a problem would not be an honest, forthright thing to do.

Mr. LEWIS. If I were working on extension of funding, I would probably respond the same way, but in the record, at any rate, Mr. Chairman, thank you.

Mr. ROBERTS. Thank you.

Mr. Macy and Mr. Wilcox, thank you very much. We will be in touch.

Mr. ROBERTS. We will now hear from our colleague, Mr. Benjamin. The full text of your prepared statement will appear in the record at this point.

[Statement referred to follows:]

STATEMENT OF CONGRESSMAN ADAM BENJAMIN, JR.

On January 24, 1979, I introduced H.R. 1320, To Amend the Disaster Relief Act of 1974. This action was predicated by a blizzard which crippled the Midwest during the second weekend of January 1979. Roads were impassable. Hundreds of businesses and schools were closed. Thousands were cut off from essential services.

But, if a strictly business outlook has been assumed, clean up efforts would have been held off until the President made a declaration of a snow emergency.

Under present policies of the Federal Emergency Management Agency (FEMA, formerly Federal Disaster Assistance Administration—FDAA), Federal aid begins at 12:01 a.m. on the day of the President's declaration of an emergency. However, may communities who react quickly and efficiently in emergency situations receive little, if any, Federal supplemental assistance since they have completed much of the clean-up operations by the time a Presidential declaration is forthcoming—a process which may consume three to four days after an emergency situation becomes apparent. By meeting the challenge with speed and efficiency, many of these communities are rewarded with a depleted budget and an exhausted capacity to conduct normal snow-related services for the remainder of the winter while neighboring communities which were not able to complete snow removal before the emergency was declared by the President will receive full Federal assistance.

This inequity is a result of FEMA guidelines, not the Disaster Relief Act of 1974. The Congress intended to provide assistance during an emergency and did not intend to set up an artificial and arbitrary scheme for measuring the onset of the emergency. H.R. 1320, and the subsequent legislation H.R. 5671, have been introduced to clarify Congressional intent that emergency assistance is available for the entire duration of the emergency from the date of the commencement of same.

In August, GAO issued a report requested by my office which highlighted instances where FEMA's implementation of the act may create inequities, in addition to the declaration-reimbursement relationship. The GAO also reported that abuse of federal funds is occuring through the reimbursement of expenses which would otherwise have occured or are unacceptable for reimbursement for other reasons. At a time when we are desperately trying to balance the federal budget, it seems absurd to ignore wasteful monetary practices which could be eliminated without causing hardship to anyone.

FEMA has responded to the GAO's accusation of federal fund abuse by reducing their percentage of reimbursement to 50 percent (formerly 66 percent in 1979 and 75 percent in 1978). I do not believe that this is a responsible method for eliminating abuses of reimbursement, and could impose unfair hardships on individual communities.

On October 22, 1979, I introduced a revised bill which includes these concepts and would establish a two-thirds maximum reimbursement level, except in the case where the President determines the community to have no legally available funds to incur the remaining one-third costs, and then 100 percent reimbursement is possible.

In an attempt to minimize the abuse of reimbursements in a more justifiable way, I also propose that it be specifically stated in an amendment to the Disaster Act that costs that would otherwise have been incurred may not be subject for reimbursement. The example cited in the GAO report refers to garbage collectors who were operating snow removal equipment and whose salaries were paid by the federal government, regardless of the fact that they were city employees.

Regarding the procedures for declaring an emergency, the legislation states that FEMA may not take into account the past history or reimbursement for an area. An emergency situation should not be determined by the past track record of an area. H.R. 5671 would require FEMA to develop standards for determining a snow emergency situation through snow conditions (including, but not limited to, amount of snowfall, temperature, and wind velocity). This would not prohibit the President from making such a declaration if all the conditions are not present, but merely provides a minimum guideline for each area of the United States to be used when determining if an emergency or disaster should be declared.

H.R. 5671 would also require states which normally receive heavy snowfall to develop and maintain an adequate snow preparedness plan in order for the state to qualify for the annual $25,000 disaster plan maintenance grant. States should be required to take reasonable precautions in an attempt to avert emergency situations and should not simply rely on the federal government to bail the states and/or localities out.

H.R. 5671 would make clear the intent of Congress that emergency assistance is available for the duration of the emergency or disaster, regardless of the day on which the President declares the existence of the emergency. The President's declaration is inevitably delayed until a State has been able to compile the necessary information from its local communities and to transmit its request. The more serious the emergency, the more likely the compilation of data will be delayed because officials must deal with immediate threats to life and property before red tape.

FEMA's current guidelines reward inefficiency and are contrary to the intent of Congress. I strongly urge the honorable Members of the Subcommittee on Water Resources to consider my suggestions and those included in the GAO report in an attempt to stop these practices. In my district I am constantly confronted by individuals who are upset over the bureaucractic inefficiency of the federal government and it appears that in many instances their assessments of the situation are correct—this one in particular. But, this situation is unique in that the inefficiency which is bred by current policies can constitute a threat to life and property.

Thank you for allowing me to testify before the Subcommittee this afternoon.

Mr. ROBERTS. Please proceed.

TESTIMONY OF HON. ADAM BENJAMIN, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. BENJAMIN. Thank you, Mr. Chairman.

I appreciate the opportunity to comment on H.R. 6863: I would like to first call the committee's attention to the publication of the General Accounting Office dated August 2, 1979, entitled, "Federal Snow Removal Reimbursement Policy Improvements Needed," a publication which I believe offers a critical analysis of the administration of the Disaster Relief Act of 1974, with particular reference to its administration.

In referring you to that particular publication, I also give you a caveat. The publication attempts to analyze all of the relief that would be offered by the Federal agencies in the event of an emergency caused by excess snow. It does leave out at least one agency, and perhaps more, but that agency happens to be HUD. Through HUD's administration of the community development funds, which are also available to certain communities, I present to you the problem I wish to bring to your attention, and that is the uneven manner in which this particular administration applies emergency relief for snow removal.

On January 24, 1979, I introduced H.R. 1320, to amend the Disaster Relief Act of 1974. This action was predicated by a blizzard which crippled the Midwest during the second weekend of January 1979. Roads were impassable. Hundreds of businesses and schools were closed. Thousands were cut off from essential services.

But if a strictly business outlook had been assumed, cleanup efforts would have been held off until the President made a declaration of snow emergency.

Under present policies of FEMA, Federal aid begins at 12:01 a.m. on the day of the President's declaration of an emergency. However, many communities who react quickly and efficiently in emergency situations receive little, if any, Federal supplemental assistance since they have completed many of the cleanup operations by the time a Presidential declaration is forthcoming—a process

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which may consume 3 to 4 days after an emergency situation becomes apparent.

By meeting the challenge with speed and efficiency, many of these communities are rewarded with a depleted budget and an exhausted capacity to conduct normal snow-related services for the remainder of the winter, while neighboring communities which were not able to complete snow removal before the emergency was declared by the President will receive full Federal assistance.

This inequity is a result of FEMA guidelines, not the Disaster Relief Act of 1974. The Congress intended to provide assistance during an emergency and did not intend to set up an artificial and arbitrary scheme for measuring the onset of the emergency.

H.R. 1320 and the subsequent legislation, H.R. 5671, have been introduced to clarify congressional intent that emergency assistance is available for the entire duration of the emergency from the date of the commencement of same.

In August 1979, GAO issued a report requested by my office which highlighted instances where FEMA's implementation of the act may create inequities, in addition to the declaration-reimbursement relationship.

The GAO also reported that abuse of Federal funds is occurring through the reimbursement of expenses which would otherwise have occurred or are unacceptable for reimbursement for other reasons. At a time when we are desperately trying to balance the Federal budget, it seems absurd to ignore wasteful monetary practices which could be eliminated without causing hardship to anyone.

FEMA has responded to the GAO's accusation of Federal fund abuse by reducing their percentage of reimbursement to 50 percent—formerly 66 percent in 1979 and 75 percent in 1978. I do not believe that this is a responsible method for eliminating abuses of reimbursement, and could impose unfair hardships on individual communities.

On October 22, 1979, I introduced a revised bill which includes these concepts and would establish a two-thirds maximum reimbursement level, except in the case where the President determines the community to have no legally available funds to incur the remaining one-third costs, and then it could be up to a 100 percent reimbursement.

In an attempt to minimize the abuse of reimbursements in a more justifiable way, I also propose that it be specifically stated in amendment to the Disaster Act that costs that would otherwise have been incurred may not be subject for reimbursement.

The example cited in the GAO report refers to garbage collectors who were operating snow removal equipment and whose salaries were paid by the Federal Government, regardless of the fact that they were city employees.

Regarding the procedures for declaring an emergency, the legislation states that FEMA may not take into account the past history of reimbursement for an area. An emergency situation should not be determined by the past track record of an area.

H.R. 5671 would require FEMA to develop standards for determining a snow emergency situation through snow conditions, in-

cluding, but not limited to, amount of snowfall, temperature, and wind velocity.

This would not prohibit the President from making such a declaration if all the conditions are not present, but merely provides a minimum guideline for each area of the United States to be used when determining if an emergency or disaster should be declared.

H.R. 5671 would also require States which normally receive heavy snowfall to develop and maintain an adequate snow preparedness plan in order for the State to qualify for the annual $25,000 disaster plan maintenance grant.

States should be required to take reasonable precautions in an attempt to avert emergency situations and should not simply rely on the Federal Government to bail out States and/or localities.

H.R. 5671 would make clear the intent of Congress that emergency assistance is available for the duration of the emergency or disaster, regardless of the day on which the President declares the existence of the emergency. And, Mr. Chairman, I would parenthetically say that does not mean the first flake of snowfall, as was asserted by Mr. Wilcox.

The President's declaration is inevitably delayed until a State has been able to compile the necessary information from its local communities and to transmit its request. The more serious the emergency, the more likely the compilation of data will be delayed because officials must deal with immediate threats to life and property before redtape.

FEMA's current guidelines reward inefficiency and are contrary to the intent of the Congress.

I strongly urge the honorable members of this subcommittee to consider my suggestions and those included in the GAO report in an attempt to stop these practices. In my district, I am constantly confronted by individuals who are upset over the bureaucratic inefficiency of the Federal Government, and it appears that in many instances, their assessments of the situation are correct—this one in particular.

But this situation is unique in that the inefficiency which is bred by current policies can constitute a threat to life and property and the problem should be remedied.

Mr. Chairman, I thank you. I would only remind the subcommittee again that those provisions which are incorporated in H.R. 5671 which I would hope the subcommittee would consider drafting into the reauthorization act are recommendations that basically were set forth after certain findings made by the GAO over a 9-month period in 1979. So I ask for the consideration of those recommendations to bring about a matter of fairness and equity in the handling of emergencies caused by excess snow.

Mr. ROBERTS. I thank our distinguished colleague.

The gentleman from Pennsylvania.

Mr. ERTEL. Thank you, Mr. Chairman.

I think you made an excellent statement, Adam, and I appreciate it very much. I hope you do not just confine your comments to snow emergencies, but would in fact apply your thoughts and your concepts across the board, to other types of emergencies as well; is that true?

Mr. BENJAMIN. Yes.

Mr. ERTEL. I know you are using snow as an example, since that is probably what hit your area.

One question I did have, you said do not look at the track record. I assume that means just for reimbursement. But you ought to look at the traffic, should you not, to some degree, if an area has been hit by disaster before and makes no—how do you take care of the problem when they have been hit by a disaster, and they make no provisions to try and mitigate the effects of that disaster for the next one, and they have a repetition of that disaster?

Should we, in fact, at the Federal level continue to reimburse those people who will not take appropriate measures to protect themselves from one example?

Mr. BENJAMIN. I would say no. In fact, I attempt to do that by setting forth the requirement that FEMA adopt more objective standards. Obviously, if you are in a snow belt, you can anticipate snow, and your budget is going to account for this. As Mr. Wilcox has said, the Federal program is supplemental. In no way are they attempting to take care of the emergencies that are local and State responsibilities first.

But the reason I mentioned the track record is because there was some contention in my area, which is abutting Illinois, that since Indiana had received the declaration of emergency in the previous year, it then became Illinois' turn, and although the same snow fell within inches of each other on the east side of the Stateline, one area was declared an emergency and the other was not, and there was a strong belief by the citizen that, "Because you had it last year, it is now Illinois' turn this year."

Mr. ERTEL. I can understand that. Snow does not seem to stop at the State borders. But how about the situation where you have a water disaster, such as a flood, and then the people go right ahead back and build in the flood plain. That is a situation where they have not really mitigated—they could have averted that; it is not as if they could not have.

Mr. BENJAMIN. That is another reason for the requirement that those preparedness plans be available and that they comply with law. And I would hope the committee would study this to the point of their tightening up even the language that I suggest in my second bill.

Mr. ERTEL. Very good. Thank you very much, Adam.

Mr. ROBERTS. Mr. Lewis?

Mr. LEWIS. No questions, Mr. Chairman.

Mr. ROBERTS. Mr. Oberstar?

Mr. OBERSTAR. Mr. Chairman, there has always been a reluctance on the part of Federal Government agencies to provide funding for an activity undertaken by a local government unit in advance of final clearance by a Federal Government agency. That is true of the water pollution control program, of the Corps of Engineer programs, and yet that does seem anomalous with this kind of program.

Mr. ROBERTS. If the gentleman would yield, it seems to me that the law requires that it has to be over and beyond what the local community or State is capable of handling; I think you are correct.

Mr. OBERSTAR. There does seem to be a unique situation here with the disaster program, that by the time you wait around for

some agency in Washington or in the State Capitol to find that you are in extremis, you may already have had rigor mortis set in.

So I think we do have to find some means of being sure that the public interest has been protected, but also see that the public is rescued from the disaster.

You point up, I think, the essential dilemma of the disaster assistance program.

Mr. BENJAMIN. Well, first of all, I point out to the subcommittee that I am in no way trying to change the law. It is my understanding of what the law is, but the guidelines of FEMA are different in the law. So I would like to have that ironed out, in terms of when the emergency occurred. FEMA says it is 12:01 of the day that the President declares.

So, a given situation. The Illinois Governor flew over the Chicago metropolitan area, and immediately sent in a report to Washington, saying, "We have an emergency. Please declare it to be so".

Meanwhile, in Indiana, the Governor decided that it would be better for the civil defense directors in each community to report to the State civil defense director. It was on a weekend. By the time they got all that compiled, it was Thursday of the week. Meanwhile, the communities went out and did the work to make sure the citizens could get to work, get to school, get to the hospitals, and all of the other emergency aspects of community life. So they incurred a tremendous amount of cost. The community across the border decided, "Well, we will wait for the President to declare it." They did, and the Federal Government reimbursed them for two-thirds of their cost. Meanwhile, because of delay, it just became that much harder, and although I am not sure if FEMA is directly involved, certainly there are Federal agencies now looking at the excess cost that was involved in that Chicago metropolitan community because of the delay and some attempt to get as much money out of the Government as possible, because it was Federal funding instead of local.

My point is that the emergency in both areas started at the same time. One received assistance, one did not. One went out and did a job, made sure that its citizens got to work so that they could pay their taxes that support this Federal Government. The GAO agrees with me that the point of emergency should be when it was created and not ultimately when the paperwork winds up in Washington.

Mr. OBERSTAR. Well, I completely concur in that, and I think it is going to be a task of this committee to work with FEMA to find out a means of curing that problem which is inherent in every disaster.

I thank the gentleman for bringing this issue to our attention.

Mr. ROBERTS. Mr. Clausen, did you have questions?

Mr. CLAUSEN. No, sir. I will be communicating with Adam directly.

Mr. BENJAMIN. Thank you, Mr. Chairman, and thank you, members of the committee.

Mr. ROBERTS. Thank you. We appreciate your coming, and we will be visiting with you down the line, Adam.

Mr. ROBERTS. Our next witness is the Honorable Trent Lott of Mississippi. The full text of your prepared statement will appear in the record at this point.

[Statement referred to follows:]

STATEMENT OF HON. TRENT LOTT

Mr. Chairman, I am especially pleased to have the opportunity to appear before the Subcommittee on Water Resources this afternoon and to discuss with you the legislation to extend the authorization of the Disaster Relief Act through fiscal 1983.

As a representative of a state and district which has been damaged time and time again by natural disaster, I am acutely aware of the importance of an effective and properly administrated disaster relief program. The kinds of assistance which are provided under the Disaster Relief Act are so numerous and varied as to pose a substantial problem for the administrating agency. For example, housing, homeless victims, providing unemployment assistance, and helping with repairs to homes, public buildings, and businesses are only a few of the responsibilities with which federal agencies are charged under the Act. Consequently it is no wonder that administration and coordination of such activities often present real difficulties. My major concern in this regard relates to the overlap between the various functions delineated under the Act and the duplication of effort which so often occurs after a disaster strikes.

Having been directly involved in clean-up efforts following disasters in my district, I have first-hand knowledge of the excellent work accomplished through our disaster agencies and of the importance of these efforts to disaster victims. I can only urge better clarification of responsibilities under the Act.

The most recent natural disaster affecting my district was, as you may know, Hurricane Frederic which passed through Pascagoula, Mississippi, in September of 1979. During this storm, 100 mile-per-hour winds damaged buildings, downed power lines, and uprooted trees. Fortunately people were quickly evacuated from the southeast part of the state and were housed in shelters. No deaths were reported. However, over 20,000 permanent residences, businesses, and industries were damaged, as well as other facilities which were badly damaged or destroyed.

As a result of this most recent hurricane, I became more and more aware of the kinds of damage to facilities which would likely never be repaired. Consequently on February 27, 1980, I introduced legislation, H.R. 6643, which amends the Disaster Relief Act of 1974 to make grants for repair and reconstruction of nonprofit museums, zoos, libraries, and historical facilities which are damaged or destroyed by a major disaster. These are the kinds of facilities which are so important to a community and which serve to promote interest in making the community a more desirable and closely knit place in which to live. However, after a natural disaster, because of lack of funding, they are often those facilities which are put on the "back burner" until assistance is forthcoming—and sometimes this help is never found. I hope that the Subcommittee can see the need for the inclusion of such facilities in the Disaster Relief Act and will include such language in any reauthorization. In addition, I understand that Congressman Jack Edwards has developed suitable language to also include YMCA facilities under this bill. Since the YMCA does offer rehabilitation therapy for persons suffering from heart trouble, spinal injuries, etc., but not to the extent to be covered as a medical facility or rehabilitation facility under existing FEMA regulations, I would support the inclusion of the YMCA and have been provided language which would make it a part of my bill, H.R. 6643.

I appreciate very much the Subcommittee's consideration of the provisions of this legislation as well as my remarks on the need for its approval.

Mr. ROBERTS. Please proceed.

TESTIMONY OF HON. TRENT LOTT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. LOTT. Thank you, Mr. Chairman. I will be brief. I know you gentlemen have been here a long time. I have just got a couple of major points I want to make.

First of all, thanks for letting me appear. As you said, Mr. Chairman, while we might have a criticism here and there of the way disasters are handled or what FEMA has done so far, they are just really getting going as a new organization, and coming from an area that has been disaster prone—we had Hurricane Camille in 1969, and Hurricane Frederic in 1979—I truly appreciate the help we have gotten.

Mr. CLAUSEN. And Hurricane Lott in 1980.

Mr. LOTT. Yes, sir, that is right.

The major point I wanted to appear on today has already been addressed. Some questions were asked of the representatives of FEMA about the fact that nonprofit museums, zoos, libraries, historical facilities, YMCA's, under the existing law are not entitled to the grants for repair that are necessary after a hurricane. And I do not think that was intended in the law. These are very vital facilities in communities, and they are the type that would be the last to be repaired; if you lost your home, you are not worrying about some of these facilities, and they are vital in the communities.

I did introduce a bill in February of this year, H.R. 6643, that would make that possible, and I would like to urge—I understand FEMA says they agree with the need for change in the law—and I would appreciate your committee's active consideration of that change which could very well affect your areas and their historical monuments and museums and so forth.

Mr. ROBERTS. I will say I have been down there as a representative of the Government on two of those things, and one of them nearly wiped me out. That was Camille.

Mr. Clausen?

Mr. CLAUSEN. I think I have a pretty good understanding of what your request is, and earlier, I had addressed a question to the agency, and I think that, while they do not have OMB clearance or the administration's total clearance, I got a favorable response to the question I asked, and it relates to your own situation, recognizing that they have limitations on how much they can say, but they were very candid, and I was pleased with their response.

Mr. LOTT. Very good.

Mr. ROBERTS. Mr. Oberstar?

Mr. OBERSTAR. No questions, Mr. Chairman.

Mr. ROBERTS. Mr. Lewis, do you want to wind this up?

Mr. LOTT. Well, if I could just make one other point, Mr. Chairman, unrelated to this, because it follows up on what Mr. Lewis was asking.

I know FEMA is just getting started, but I must say that the recovery efforts after Hurricane Frederic in 1979 and 1980 were not nearly as good as they were after Hurricane Camille in 1969 and 1970, when I worked with Bill Colmer as his administrative assistant.

I would like to just give you one area that I would like you to consider in this reauthorization legislation, and that is temporary housing, because you may be hit with a disaster next.

But after Hurricane Camille, we had some difficulty with trailers, and I know after Hurricane Agnes, trailers came into Pennsylvania. But the law now says that they must first identify and use available Federal housing units or apartments. So after Hurricane Frederic, people had to come into the FEMA centers, say, "I lost my house," a FEMA representative or a HUD representative had to go out and find Federal housing; they had to confirm that the person lost their housing; they had to try to put those people in that housing. And only after all of that had been done and had failed, only then could you get trailers.

As a result, we had people 45 days or longer after the hurricane, needing temporary housing, but not getting it.

The point is we have got available temporary housing, trailers, in Atlanta and in other areas, and I feel that if the law does prohibit getting this help to people quickly or requiring that they use these Federal units, it is a bureaucratic nightmare, and it is a problem that needs to be addressed.

I would also like to urge you to emphasize to FEMA that they need to consider the variations of the needs in different areas. You may be able to clean up a disaster area in California for $100 an acre, but if you are in the South, and you have 25 pecan trees on that acre and some fencing, you cannot do it for $100 an acre, as ASCS has been trying to do.

But this is a general statement that I hope you will work with FEMA on. The housing in particular, there apparently is a problem there, and I hope you will take a look at it.

Mr. ROBERTS. Mr. Lewis?

Mr. LEWIS. Mr. Chairman, responding specifically to that, and kind of by way of posing a general question to FEMA that I can communicate to them about later, in this recent disaster in the San Jacinto area, where we had to essentially move out a whole town and many, many people lost their homes, the Chief Engineer of the Corps of Engineers, Gen. John Morris, came out and personally inspected the scene, and his first concern was moving as quickly as possible to see if those people were settled in alternative housing in their own area.

In his experience, he has found that the quicker you do it, and the closer to home, the better off everybody is—and it is usually cheaper. I am going to be looking, Mr. Lott, at what is going on there, for if we are going to have a 45-day delay, for example, that will be another kind of disaster for me, and your raising the question is helpful.

Thank you.

Mr. LOTT. Thank you, Mr. Chairman, and I thank you all.

Mr. ERTEL. Mr. Chairman, if I may just comment.

Mr. ROBERTS. Yes.

Mr. ERTEL. I appreciate your point on those nonprofit organizations. After Hurricane Agnes in my district, an agency paid some libraries which had been flooded and gave them money, thinking they were within the act. Now they are coming back to those libraries, who do not have much money, and trying to get that money back, and we have got a very serious problem. I can appreciate fully what you are saying, because those are the kinds of institutions that just do not have that extra money.

Mr. LOTT. That is right. They cannot recover without it.

Mr. ROBERTS. One thing bothers me about this proposition, though. If you are the mayor of the town, and they are a little short of money, you say, "Well, we just will not have any insurance. The government is going to take care of it."

We did that in Pennsylvania before Mr. Ertel got here——

Mr. ERTEL. We thank you, Mr. Chairman.

Mr. ROBERTS [continuing.] When Dan Flood was calling the shots. And we rushed out—it was sort of, "Send money—bales of it." And we have never totalled up yet how much it cost, and I hope we never do.

So we have got to have some reasonable—and you just cannot go out and guarantee them if they have no insurance. They ought to be paying some; they ought to be doing something for themselves.

Mr. CLAUSEN. Would the gentleman yield?

Mr. ROBERTS. Yes.

Mr. CLAUSEN. The second wave of the hurricane was that wave of people coming and asking for more money at that time, and the chairman is really right.

I would like to ask, while Mr. Wilcox and Mr. Macy are here, when we address the question to you—I think we were talking about zoos and museums and that sort of thing—and it has been brought to my attention that some of the people down in that hurricane area have also asked about, like, a YMCA, which is a kind of nonprofit, localized organization. Would that meet with your approval as one that ought to be considered?

Mr. MACY. Yes.

Mr. CLAUSEN. A YMCA facility would. So you would concur that that would be an appropriate thing to include under eligibility?

Mr. MACY. Yes.

Mr. CLAUSEN. OK. Thank you.

Mr. ERTEL. If the Chairman would yield just once more.

Mr. ROBERTS. Yes, I wanted to yield to Mr. Ertel, because he is entitled——

Mr. ERTEL. Well, I cannot respond to your sending bales of money up there, but as a Pennsylvanian, I guess I would have to say I am glad you did that.

But I think one thing we ought to point out is that we have tried to correct some of those problems, because we have a flood insurance program now. Previously, we did not have a flood insurance program, and it was very difficult to get that kind of insurance.

So hopefully, you will not find that same situation again, I hope.

Mr. ROBERTS. We are indebted to you for helping us work it out.

Mr. Lott, thank you.

Mr. LOTT. Thank you very much.

Mr. ROBERTS. The committee stands adjourned.

[Whereupon, at 3:17 p.m., the subcommittee was adjourned.]

[The following were received for the record:]

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 26, 1980

Honorable Ray Roberts, Chairman
Subcommittee on Water Resources
2165 Rayburn Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

I very much appreciate your thoughtfulness in advising me of hearings by your Subcommittee this afternoon on reauthorization of the Disaster Relief Act. As you well know, I have definite concerns over administration of the Act.

Although I had originally requested an opportunity to testify personally, time constraints and scheduling difficulties precluded me from doing so. I have, however, prepared a statement and attach herewith three copies, with the hope that my statement will, at the earliest opportunity, be reviewed by the Members of the Subcommittee and included as part of the official hearing record.

Please don't hesitate to contact me if I can be of any assistance in working with you, Members of the Subcommittee and your staff in developing a standardized emergency snow removal reimbursement program comparable in effectiveness with other disaster efforts.

Thank you very much for your consideration.

Sincerely,

Henry J. Hyde

Henry J. Hyde

HJH:ffw
Enclosures

STATEMENT OF REPRESENTATIVE HENRY J. HYDE, 6th DISTRICT, ILLINOIS

BEFORE

SUBCOMMITTEE ON WATER RESOURCES

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

MARCH 26, 1980

Mr. Chairman, I appreciate an opportunity to submit a statement to the Subcommittee regarding reauthorization of the Disaster Relief Act of 1974, Public Law 93-288.

The Disaster Relief Act is now administered by the Federal Emergency Management Agency, created under President Carter's Reorganization Plan No. 3. At the onset, I would like to recommend that this Subcommittee initiate its own oversight hearings into FEMA's compliance with the President's objectives as stated in his Reorganization Plan No. 3.

The experiences Illinois encountered during the heavy snowstorms of January, 1979, demonstrated clearly that those administering the Act (at that time, the Federal Disaster Assistance Administration) discriminated against those communities which reacted quickly and efficiently to emergency situations. Many of those FDAA personnel are now with FEMA.

Specifically, the time period of the heaviest snowstorm was January 11-14, 1979. The Presidential declaration was January 16th -- the communities in my 6th Congressional District and many others throughout the State met the challenge of digging out, clearing the main traffic arteries, etc., before the snow even ceased falling. However, because the Presidential declaration came 3 days after the worst storm, those communities which had spent huge amounts of money on snow removal were prejudiced, and thus left with depleted budgets and clean streets.

The City of Chicago, on the other hand, did not actively begin snow removal operations <u>until</u> the Presidential declaration.

Quite simply, Public Law 93-288 does not address itself specifically to the incidence period of a disaster. Although it was the intent of Congress that assistance be provided during an emergency, FDAA (now FEMA) arbitrarily determined a date at which such

assistance was to begin, and subsequently denied all requests, including that of the Governor and many in the Illinois Congressional delegation, to make the effective period of the declaration operate retroactively.

I respectfully request that this Subcommittee include language in the reauthorization of the Act making it absolutely clear that Congress intends emergency assistance to be computed from the onset of the emergency, not two or three days later. A number of bills were introduced early in the first session of this Congress to that effect (H.R. 1604, H.R. 1526, H.R. 1320, H.R. 1640, H.R. 1656), and I am hopeful these legislative suggestions will receive your favorable consideration.

The Federal Emergency Management Agency recently proposed regulations which would drastically reduce emergency snow removal reimbursement efforts by the Federal government. I am attaching to this statement a copy of my December 26, 1979 letter to the FEMA Rules Docket Clerk, outlining my objections to the proposed rules.

Needless to say, all objections have been overruled by FEMA, and I am informed that the regulations are now in effect.

I am also attaching to this statement a copy of H.R. 5671, sponsored by Mr. Benjamin, amending the Disaster Relief Act of 1974 as follows:

1. Provides that emergency assistance is available from the date on which the emergency or major disaster began, regardless of the day on which the President declares that an emergency exists.

2. Overrules the FEMA prohibition of assistance for clearing of any state roadway, state supported hospital, airport or school.

3. Overrules the FEMA reduction of the reimbursable percentage from two-thirds to one-half.

I respectfully request that the Subcommittee seriously consider amending the Disaster Relief Act to include the Benjamin bill, H.R. 5671, which I have co-sponsored.

In summation, I realize there are many areas of our Federal disaster relief programs which require review and up-dating, not just the snow removal assistance program. My immediate concern is, of course, due to the extremely severe situation which existed in Illinois in late 1978 and early 1979. That concern has become heightened because of an attitude which seems prevalent throughout FEMA, as revealed through numerous

telephone calls between my office and FEMA. For example, a FEMA staff assistant recently informed a member of my office staff that snow removal assistance really shouldn't be included in the Act. Perhaps it would be advisable to require all FEMA employees to read Title I of Public Law 93-288, "Findings, Declarations, and Definitions," and specifically Sec. 102 (1) which clearly lists "snowstorm" as a definition of catastrophe under the covered instances for an emergency declaration, such as we had in Illinois, as well as (2) and the listing again of "snowstorm" as a definition in the category of major disaster.

If there is a misunderstanding between the Federal Emergency Management Agency and the Congress as to the intent behind adoption of Public Law 93-288, let us clear up any ambiguity at this time. Let Congress determine the period of incidence; let Congress determine the reimbursement ratio; let Congress determine prohibitions of areas covered or not covered -- not FEMA.

I enclose for review and inclusion in the official hearing record copies of correspondence I've received from communities in my District, detailing their snow removal efforts during the 1979 disaster.

Thank you for your consideration.

Congress of the United States

House of Representatives

Washington, D.C. 20515

December 26, 1979

Rules Docket Clerk
Office of General Counsel
Federal Emergency Management Agency
1725 Eye Street, N.W.
Washington, D.C. 20472

Gentlemen:

On behalf of the communities in the Sixth Congressional District in particular, and the State of Illinois in general, I am writing to protest proposed regulations for the emergency snow removal program, (44 CFR Part 205).

1. The Federal Emergency Management Agency has ignored the General Accounting Office recommendation that emergency snow removal reimbursement be based on the incidence of the storm rather than the time in which the President declares a particular area a disaster. Many communities in my District were financially penalized early this year because of their prompt response to an emergency situation.

2. The proposed regulations will drastically reduce the amount of federal assistance which can be expected in a future snow emergency. Governor James R. Thompson of Illinois has estimated that, if the proposed rules had been in effect during last winter's emergency, relief funds to Illinois would have been reduced from $25.3 million to approximately $10 million. Such a reduction should be considered potentially dangerous to the health and welfare of the residents.

3. Subpart E, section 205.72 (f) deals with the eligibility of applicants for emergency snow removal assistance, and is severely limited in scope. Severe snow is the only emergency situation which has this type of limited applicant eligiblity. In all other emergency situations, certain private and non-profit organizations and institutions are eligible applicants, as are state agencies.

4. Subpart E, section 205.74 (c) (6) restricts eligible work under the category of emergency snow removal assistance, and means that nearly 75% of all community and highway roads, airports, parking lots serving essential facilities, school areas essential for safe access, fire plug locations, etc., are not considered eligible.

5. Subpart E, section 205.76 (d) (4) reduces FEMA reimbursement to one-half from two-thirds, and severely reduces the scope and nature of eligible work.

If the proposed regulations are put into effect, the Federal government will have effectively eliminated its snow removal program, and placed the health and safety of the citizens of Illinois in great jeopardy.

I am hopeful that the Federal Emergency Management Agency will reconsider these ill-conceived proposed regulations and place them in abeyance until after Congress re-authorizes the Disaster Relief Act next year. It is the Congress which should make the decisions of this magnitude which so vitally affect the intent of the original legislation.

Very truly yours,

Henry J. Hyde

Henry J. Hyde

HJH:ffw

cc: Mr. E. Erie Jones, Director
Illinois Emergency Services and Disaster Agency

96TH CONGRESS
1ST SESSION

H. R. 5671

To amend the Disaster Relief Act of 1974 to provide for improvements in the operation and scope of snow emergency declaration procedures and reimbursement policies.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 1979

Mr. BENJAMIN introduced the following bill; which was referred to the Committee on Public Works and Transportation

---

A BILL

To amend the Disaster Relief Act of 1974 to provide for improvements in the operation and scope of snow emergency declaration procedures and reimbursement policies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Disaster Relief Act Amendments of 1979".

SEC. 2. The Disaster Relief Act of 1974 (42 U.S.C. 5121 et seq.) is amended by adding after section 419 the following new section:

"SNOW EMERGENCY STANDARDS

"SEC. 420. (a)(1) In addition to any other assistance under this Act with respect to an emergency or major disaster declared as a result of a snowstorm, the President shall reimburse each affected State or local government for an amount equal to the sum of—

"(A) two-thirds of the eligible costs incurred by such State or local government, and

"(B) that portion, if any, of the remaining one-third of such costs incurred by such State or local government which the President determines the State or local government is unable to pay from legally available funds.

"(2) For purposes of paragraph (1), the term 'eligible costs' means, with respect to an emergency or major disaster declared as a result of a snowstorm, all reasonable costs incurred for the alleviation of such emergency or major disaster after the time determined under paragraph (3) with respect to such snowstorm. Such term does not include any costs which would have been incurred in the absence of such emergency or major disaster.

"(3) Whenever the President declares that an emergency or major disaster exists as the result of a snowstorm, he shall determine the time at which such snowstorm became

sufficiently severe so as to warrant emergency or major disaster designation.

"(b)(1) The Federal Emergency Management Agency shall prescribe standards which shall be used in determining whether or not a snowstorm shall be declared an emergency or a major disaster. Such Agency shall determine for each area of the United States snowstorm conditions (including, but not limited to, amount of snowfall, temperature, and wind velocity) under which an emergency or a major disaster will be declared.

"(2) Whenever all the conditions prescribed under paragraph (1) with respect to a particular area are met with respect to a snowstorm in such area, the President shall declare an emergency or major disaster, as the case may be. Nothing in this section shall preclude the declaration of an emergency or major disaster with respect to a snowstorm in any case in which all of such conditions are not met.

"(c) The extent of assistance previously granted to a State under this Act with respect to snowstorms and the success or failure of a State in having approved previous applications for declarations of emergency or major disaster as a result of snowstorms shall not be taken into account by the President or any agency in the consideration, recommendation for approval, or approval of any application submitted by

such State for such a declaration of emergency or major disaster.".

SEC. 3. Section 201(d) of the Disaster Relief Act of 1974 (42 U.S.C. 5131(d)) is amended by adding at the end thereof the following: "After December 31, 1980, no such grant shall be made to any State which normally receives heavy snowfall unless such State has completed a snow preparedness plan satisfactory to the President, and has completed such revisions of such plan as the President may require.".

VILLAGE OF NORRIDGE

4526 N. OLCOTT AVENUE
NORRIDGE, ILLINOIS 60634
- 453-0800

PRESIDENT
Joseph Sieb

ADMINISTRATIVE ASSISTANT
William R. McGowen

CLERK
Irene Gdula

ATTORNEY
Peter G. Schultz

TRUSTEES
John Grey
Leonard Kucharski
Michael W. Miele
Donald W. Nemyo
Elmer A. Newell
Steve Hosko

March 15, 1979

Honorable Henry J. Hyde
1203 Longworth House Office Building
Washington, D. C. 20515

Dear Congressman Hyde:

In answer to your March 12th letter addressed to Village President Joseph Sieb, the following information on our snow removal budget for the past four years should be helpful to you:

YEAR ENDING APRIL 30th	AMOUNT BUDGETED	TOTAL SPENT	FUNDS DEPLETED
1976	$20,000.00	$ 5,547.85	No
1977	20,000.00	8,124.78	No
1978	20,000.00	14,400.13	No
1979	16,000.00	86,700.00	Mid-January

Mr. Sieb has asked me to thank you for your letter, and to express our appreciation of your efforts on our behalf.

Sincerely,

VILLAGE OF NORRIDGE

William R. McGowen

William R. McGowen,
Administrative Assistant

WRMcG:ld

OAK PARK AND RIVER FOREST HIGH SCHOOL
201 NORTH SCOVILLE AVENUE • OAK PARK, ILLINOIS 60302

383-0700
Area 312

February 14, 1979

FEB 20 1979

Congressman Henry Hyde
1206 Longworth Office Building
Washington, DC 20515

Dear Congressman Hyde:

The Federal Government has declared the period between January 16 and January 25 inclusive as the time when residents of thirty-five Northern Illinois counties may be eligible for Federal Disaster Aid. These dates have created problems for our school district.

The blizzard hit on Saturday and Sunday, January 13 and 14. Our Buildings and Grounds staff began working Sunday afternoon and worked throughout the night on Sunday and all day Monday to clear the snow from our property so that school could resume on Tuesday, January 16. The only day we were closed was Monday, January 15.

The January 16 date means that we are not allowed to claim reimbursement for part of our snow removal expenditures on January 14 and 15, nor are we forgiven the day we were closed. Because we were closed on Monday, we must make up that date. Schools that were closed the remainder of the week have been forgiven for all four days. This is a decision made by the Illinois Office of Education.

This is a request for your support of a change in these dates to include January 14 and 15. Your help will be appreciated.

Sincerely yours,

John C. Swanson

John C. Swanson
Superintendent

JCS:jj

Village of Stone Park

1629 N. MANNHEIM ROAD
STONE PARK, ILLINOIS 60165
PHONE: 345 5550

President
WILLIAM J. FRANCIONE

Clerk
HARRY JACK

Trustees
ELWIN H. MITTELSTAEDT
GEORGE R. SCHMITZ
JACOB WAGNER
WILLIAM M. THOMAS
STEFAN JUNG
EARL PORTER

Treasurer
DOROTHY CARAHER

Attorney
ARTHUR H. ZIMMERMAN

March 27, 1979

The Honorable Henry J. Hyde
Congressman - 6th District, Illinois
1203 Longworth House Office Building
Washington, D.C. 20515

Dear Henry:

In response to your letter dated March 12, 1979, listed below are exact figures appropriated for and expended for the Stone Park Snow and Ice Removal Programs in 1977, 1978 and thus far in 1979.

	Appropriated	Expended
1977	$ 6,309.00	$ 6,569.30
1978	8,313.00	12,798.65
1979	10,028.50	23,200.60 (From 1/1/79 thru 3/31/79)

As you can see in 1979 already, we have expended well over 200% of our appropriation, and we still have the 1979 months of November and December in which there is a great possibility for Snow and Ice Removal services to be performed.

On behalf of the Village Officials of Stone Park, I thank you for your efforts in obtaining whatever Federal Assistance can be given to Municipalities such as our Village.

Sincerely,

William J. Francione

William J. Francione
Village President

WJF/je

MAR 30 1979

VILLAGE OF RIVER FOREST
BRUCE D. CLAUSONTHUE, PRESIDENT

MUNICIPAL BUILDING
400 PARK AVENUE - RIVER FOREST, ILL. 60305
PHONE (312) 366-8500
JAMES E. DEVINE, VILLAGE ADMINISTRATOR

March 28, 1979

Honorable Henry J. Hyde
Congress of the United States
House of Representatives
Washington, D. C. 20515

Dear Mr. Hyde:

This responds to your letter of March 12, 1979 concerning the effective date of the President's snow emergency declaration and your request that we provide you with snow removal budget data.

Our records indicate that for the past several years we have budgeted and expended the amounts indicated below for snow removal:

Year	Budgeted	Expended
1975-1976	$ 12,000	$ 10,518
1976-1977	13,000	12,797
1977-1978	14,000	19,628
1978-1979	20,000	42,406

The above costs include only labor and materials, and do not include equipment operation, maintenance and depreciation, nor do they include damages to private or public property.

We have received $13,793 in reimbursement from the Federal Government for allowable snow removal costs for the period January 16-25, 1979. If the emergency declaration period had included January 13th, 14th and 15th, our reimbursement would have been approximately $6,000 more.

Thank you for your assistance in this matter.

Best regards.

Sincerely,

Bruce D. Clausonthue

Bruce D. Clausonthue
Village President

Village of Addison

130 WEST ARMY TRAIL ROAD
ADDISON, ILLINOIS 60101
TELEPHONE (AREA CODE 312) 543-4100

April 20, 1979

Hon. Henry J. Hyde
Congressman
United States House of Representatives
1203 Longworth House Office Building
Washington, D.C. 20515

Dear Henry:

I trust that my letter to you will be in sufficient time to assist in the hearings when you testify before the Committee on Public Works and Transportation on H. R. 1604.

In 1976-77 we spent $54,242.00, in 1977-78 $83,108.00, and in 1978-79 $151,049.00. The amount spent over each year's budget was: $47,138.00 in 1976-77, $52,056.00 in 1977-78 and $78,543.00 in 1978-79. In all three severe winter periods, our budget was expended before January and had to be supplemented by the following amounts: in 1977 $7,114.00, 1978 $31,052.00 and 1979 $72,506.00.

I hope that the above information will assist in helping the municipalities. If I can be of any further assistance, please ask.

Sincerely,
VILLAGE OF ADDISON
Angelo Chrysogelos
President

AC:bh
CC: G. Hoppenrath

ITASCA PUBLIC SCHOOLS - DIST. 10

ITASCA, ILLINOIS 60143

March 23, 1979

Honorable Henry J. Hyde
House of Representatives
1203 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Hyde,

In response to your letter of March 12, 1979, we are enclosing a copy of the snow cost report which was sent to Mr. Harold Wright, Regional Superintendent of Schools, DuPage County.

Under normal circumstances, the Itasca Park District handles the snow removal at the schools and we split the cost of maintaining the equipment. This year we were forced to hire a snow removal company which was an additional charge of $2,100.00, plus the overtime spent by the custodians removing snow from the roofs, etc.

Sincerely,

John A. Carter
Superintendent

enc.

BOARD OF EDUCATION
301 E. WASHINGTON ST.
(312) 773-0207

ELMER H. FRANZEN SCHOOL
730 N. CATALPA ST.
773-0100

ITASCA JUNIOR HIGH SCHOOL
301 E. NORTH ST.
773-0335

WASHINGTON SCHOOL
301 E. WASHINGTON ST.
773-0207

I have attached a copy of each eligible contract or purchase order together with billings from each contractor which provide an itemized listing of each item of equipment used, the dates operated, the location of the work, plus hours of each type of labor expended, and details of any other charges.

Contractor	Purchase Order	Invoice No.	Amount	Eligible Code (See Page 1 of Letter)
Preferred	4310	1996	$1683.50	2
Industrial		2017	437.50	
Maintenance				

(See enclosed invoice describing equipment used)

Force Account Work. (Labor)

The following tabulation shows the wages (including overtime) of regular employees and extra employees actually engaged in removing the snow from the eligible work areas.

FORCE ACCOUNT (LABOR)

*** DATE	NAME	JOB TITLE	HOURS Reg/O.T.	RATE Reg/O.T.	EXTENSION (Total Wages)	ELIGIBLE Work Code
-16,17,18-79	Richard Laue	Main-tenance	13	6.97	90.61	2
-16,17,18, 19-79	Johnnie B. Utley	Custodial-Maintenance	24½	5.00	122.50	2
-19-79	George Lease	Custodial-Maintenance	4	5.00	20.00	2

All supervisors above working foreman and administrative costs are ineligible.

The following tabulation shows our own equipment actually engaged in removing the snow from the eligible work areas.

Force Account Work. (Equipment)

DATE	DESCRIPTION(1)	HOURS	RATE(2) $/Hr.	EXTENSION (Equipment Cost)	ELIGIBLE Work Code

The purchase of equipment, materials, protective clothing, small tools, and all other similar costs is ineligible.

NOTE:
1. Describe the equipment by type, capacity and attachments.

2. Use FHAA rate schedule for equipment. (See Eligibility Criteria, Encl. 1)

3. If your equipment is not listed in the rate schedule, call the Emergency Field Office toll-free number 800-892-7687, or 7689 for a rate.

***See enclosed employee time sheets

Village President
JACK B. WILLIAMS

Village Clerk
JOHN A. GREGG, SR.

Village Trustees
GEORGE P. BUJAN
EDWARD J. OSTROWSKI
WILLIAM J. SPARO
Term ends 1979

EARL L. SCHWARZ
JOHN H. BOND
JOSEPH V. BYLKOWSKI
Term ends 1981

☆ ☆ ☆

Comptroller
RICHARD E. LANGE

Treasurer
GLENN JENSEN

Attorney
H. BURKE KENNARD

Prosecutor
ANTHONY RIZZO

Police Chief
JAMES BYCKLEY

Fire Chief &
Emergency Services Director
JOHN SHERRY

Commissioner Public Works
JOHN SMYTH

Water Superintendent
Chief, Engr., Water & Sewers
NICHOLAS CAPRIO

Chief Building Inspector
WALLACE WEBB

Chief Plumbing Inspector
THOMAS GALLES

Chief Electrical Inspector
LEONARD DEMARAY

Public Health Officer
ARTHUR GREGG

Special Events Director
JOHN MARINELLI

☆

Business Telephone
312 671-8600

Fire Report & Fax
678-2112

Police Phone
678-2444

VILLAGE OF FRANKLIN PARK
INCORPORATED AUGUST 1892

9545 BELMONT AVENUE • FRANKLIN PARK, ILLINOIS 60131

March 23, 1979

Hon. Henry J. Hyde
House of Representatives
Washington D.C. 20515

Dear Henry:

Referring to your letter of March 12, 1979, attached hereto please find the breakdown of our Snow Removal expenses for the last three Fiscal Years.

We hope that this will help you in your efforts on our behalf and other Municipalities and Villages in our part of the State, as the result of the disastrous weather that hit us this Winter.

Best Wishes,

Richard E. Lange-Comptroller

REL/hw

Encl.

VILLAGE OF FRANKLIN PARK, ILL.
9545 Belmont Ave.
Franklin Park, Il. 60131

Maintenance of Streets & Alleys: Fiscal 1978 (5/1/78 to 4/30/79)

APPROPRIATED:		SPENT:
Maint. of streets & alleys	364,000.00	
Snow Removal	2,000.00	
EXPENSES (Snow Related)		
Morton Salt Company		14,338.13
International Salt Co.		1,905.56
Contractural Snow Removal		60,285.36
Wages paid our men:		13,736.48
Cost of using our equipment		14,151.97
Total cost to Village		104,417.50

****

Maintenance of Streets & Alleys: Fiscal 1977 (5/177 to 4/30/78

APPROPRIATED:		SPENT:
Maint. of streets & Alleys	110,000.00	
Snow Removal	2,000.00	
EXPENSES (Snow Related)		
Morton Salt Company		20,324.62
Wages Paid our men		2,661.00
Contractural Snow Removal		-0-
Cost of using our equipment		2,500.00
Total Cost to Village		25,485.62

****

Maintenance of Streets & Alleys: Fiscal 1976 (5/1/76 to 4/30/77)

APPROPRIATED:		SPENT:
Maint. of streets & Alleys	100,000.00	
Snow Removal	1,000.00	
EXPENSES (Snow Related)		
Morton Salt Company		19,000.00
Wages Paid our Men		2,075.00
Cost of using our equipment		1,500.00
Total Cost to Village		22,575.00

MAR 29 1979

RIVER GROVE PUBLIC SCHOOL
DISTRICT 85½
2680 THATCHER AVENUE
RIVER GROVE, ILLINOIS 60171
Phone 453-6172

March 23, 1979

Hon. Henry J. Hyde
Congress of the United States
House of Representatives
1203 Longworth House Office Bldg.
Washington, DC 20515

Dear Mr. Hyde:

I wish to thank you for keeping me informed of the actions you have taken concerning the question of snow-clearing costs of school districts. This is a small school district and so our budget for this kind of service is not large. We average about $300 a year in our budget for this item. This last winter, however, it cost us about $800 to perform this service, due to the fact that we had to employ several outside contractors.

It seems to me that what is needed is not for small districts, such as this, to purchase special equipment that might have limited use, but rather, that the local village government come to understand that their local school system is a vital community service, and as such, it should be high on the list of "places" within the community that should be given priority in snow-clearing. This has not been the case in my experience.

Most local governments seem to operate oblivious of the fact that the local school system is also a government service, and that the safety of a lot of people, children and adults, are involved in an emergency. If snow is not removed from the streets and sidewalks around the school, hundreds of lives are placed in danger, to say nothing of the additional traffic problems that are created by school buses or private cars which are being used to transport children to and from school.

What I am suggesting is that additional funds be given to local village governments to be used to remove snow, but that they be required to service the local school, first.

Sincerely,

Dr. A. Torres
Superintendent

AT/mj

Village of FOREST PARK

517 Desplaines Avenue • Forest Park, Illinois 60130 • Phone: 366-2323

March 20, 1979

Congressman Henry J. Hyde
1203 Longworth House Office Building
Washington, D.C. 20515

Dear Henry:

In response to your communication of March 12, 1979 I first wish to tell you how much I appreciated all of your releases, particularly those dealing with the recent snow problem, S.B.A., and most recently, the possible Flood Insurance Program. We're certainly sorry to hear the President will not make the Emergency Snow Removal Program retroactive to January 14; this would be good future legislation.

As a point of information, the Village was advised it would receive half of its request for emergency snow removal funds within two weeks of the application's approval. To-date, well over a month has lapsed and we have received nothing. We were further given to understand the balance of the funding would be remitted after an audit of expenses.

As you know, under our Commission Form of municipal government, we are compelled to make an Annual Appropriation which sets forth possible expenditures within the ensuing fiscal year--in essence we can only loosely forsee the possibilities of many such expenditures as well as the amounts of same due to the rapid escalation of wages and commodities. This appropriation definitely does not serve as a "budget", per se; consequently, to say we work from a budget would be wrong and misleading.

We do appropriate for some salt purchases through Motor Fuel Tax Funds. However, salt purchases this year have proven to be a most expensive winter. A minimal amount of snow plowing is also appropriated for from the Motor Fuel Tax Funds.

Another consideration is the fact that in the 1977-78 winter the extreme cold created major breakdowns within our water system. There was little or no snow cover and the extreme freezing temperatures penetrated more deeply into the ground than ever before, freezing water lines and often bursting them. I understand this is not snow-related but it is definitely winter-related with a great deal of unexpected expenses incurred.

I am enclosing a breakdown of expenses reflecting municipal employees' over-time, salt purchases, and cost of services rendered by outside contractors.

Trusting this information will be of some value in your efforts to protect our interests relative to federal emergency assistance, I remain,

Sincerely yours,

Santo Rizzo
Mayor

SR:mq

Village of FOREST PARK

517 Desplaines Avenue • Forest Park, Illinois 60130 • Phone: 366-2323

	1977	1978	1979	
OVERTIME PAYROLL (including benefits) Jan/Feb/Nov/Dec. Regular Municipal Employees	$ 8,293.07	$16,884.96	$44,330.48	$ 69,508.51
SALT PURCHASES Jan/Feb/March/April/Dec. 1979 purchases not fully invoiced by suppliers	11,837.71	13,288.97	10,219.69	35,346.37
OUTSIDE CONTRACTORS Jan/Feb/March/April/ Nov/Dec. (repairs, thawing service, snow removal equipment rental, towing)	60,013.30	43,044.70	81,169.79	184,227.79
				$ 289,082.67

Oak Park

RECD JAN 25

January 22, 1979

Hon. Henry J. Hyde
Congressman - 6th District
Room 220
U. S. Post Office
901 Lake Street
Oak Park, Illinois 60301

Dear Congressman Hyde:

The recent blizzard emergency declaration and the resultant eligibility for FDAA emergency snow removal assistance for northeast Illinois were welcome news to local government.

We are concerned, however, about the definition of the "incident period," which commences at 1:01 a.m. on January 16 and runs for ten days. As you know, the blizzard started on the evening of January 12. Our equipment was on the street by 2:00 a.m. on January 13. Our crews, supplemented by contracted help, have been working double shifts ever since then.

The January 16 starting date for the incident period is arbitrary and inadequate. We would very much appreciate your assistance in having the start of the incidence period moved back to 12:01 a.m. of January 13, to cover the early stages of the blizzard.

Sincerely,

James J. McClure, Jr.
President

ejr

Office of the Village President
1 Village Hall Plaza
Oak Park, Illinois 60302
Area Code 312 383-6400

Village of Addison
130 WEST ARMY TRAIL ROAD
ADDISON, ILLINOIS 60101
TELEPHONE (AREA CODE 312) 543-4100

February 2, 1979

Hon. Henry J. Hyde
Congress of the United States
House of Representatives
1206 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Hyde:

I am most appreciative of your personal letter to me under date of January 30, recognizing the problems we have experienced in snow removal and the President's emergency declaration time frame slippage.

The Village Board and I would be the first to agree with you that Congress, in passing the Law, never intended for the date to be fixed by the Presidential signature. This, obviously, is an irrational approach in the administration of a program which is intended to help people when they need the help. Such an approach, in my judgment, causes two things to happen, which are both undesirable:

1. A municipality is penalized for efficiency and willingness to get out and fend for themselves rather than wait for the Federal government or someone else to solve their problem.

2. Such an approach as F.D.A.A. is taking encourages people to wait to see if the Federal government will bail them out or if the Federal government acknowledges some assistance, and if the dates do not coincide this encourages people to be dishonest by padding actual snow removal dates.

You can be sure that the Village of Addison, both the Elected Officials and the residents, will support you in any legislation clarifying Congressional intent. We also agree that if the date could be moved back to January 1 or some time shortly thereafter, it would meterially help the Village and other municipalities with the extraordinary unbudgeted moneys that have had to be expended for the snowfalls in January.

I thank you for your letter, and you have our full support.

Sincerely,
VILLAGE OF ADDISON

Angelo Chrysogelos

Angelo Chrysogelos
President

AC:bh